Bureau File

100-51230

Sub A

Section 7

86 pages

0-16 (Rev. 12-6-66)

Bunche Accused Of Using Office To Aid Powell

By TED MORELLO
World Journal Tribune Foreign Editor

The Adam Clayton Powell case has sparked an angry back-stage debate in the United Nations reaching all the way to Secretary-General U Thant's office, it was learned last night.

Center of the storm is Undersecretary Ralph J. Bunche, who is being accused of using the prestige of his official position to focus international attention on his private views of Powell's exclusion from Congress.

The episode threatens to escalate into demands that Thant reprimand Bunche, the highest-ranking American in the U.N. Secretariat.

Although the Powell-case statement which Bunche ordered distributed at the U.N. is a bitter indictment of congressmen who voted against the Harlem Democrat, no one is challenging the undersecretary's views.

DALLAS ATTACK

Instead, criticism by delegates and—more discreetly—by the Secretariat staff focuses on what most consider to be a violation of the neutrality status which regulations demand of all U.N. international civil servants.

Here is what happened:

During a Texas speaking tour, Bunche issued a blistering attack in Dallas against the congressional action that barred Powell from his House seat.

Bunche, an undersecretary for special political affairs, then phoned his U.N. office here and dictated the full text of the attack to Brian Urquhart, Bunche's chief aide.

Bunche directed Urquhart to circulate copies quietly through the U.N. press corps but to avoid using the normal channels for valid communications, the U.N. Office of Public Information.

TYPED COPIES

Instead of reproducing Bunche's statement on OPI's mimeograph machines, Urquhart had typewritten carbon-copies made in his own office. Urquhart then took the unprecedented step of personally handing out the statement to U.N. correspondents.

Despite the secrecy, word of the unorthodox publicity operation spread among delegates, who immediately raised questions about its propriety. Conceding that Bunche had emphasized that he was speaking as a private citizen rather than as a U.N. civil servant, both Western and Communist delegates asked:

- If Bunche was expressing private views, what right did he have to use U.N. machinery to disseminate them?
- If he was speaking in his official capacity, what right had he to involve the United Nations Secretariat in purely domestic American politics?

Delegates said these questions almost certainly would be raised at an early closed-door meeting of a 13-nation committee which has been debating U.N. publicity policies.

And despite OPI's non-involvement in the Bunche-Powell case, committee members predicted that the U.N.'s public relations arm would face sharp questioning. OPI already is under heavy fire by the Soviet Union and Sudan, and the Bunche episode is sure to provide new ammunition.

A Russian delegate said that the matter already has been brought to the attention of Soviet Ambassador Nikolai T. Fedorenko. The British, who also are on the committee, have asked OPI for an explanation of the Bunche affair.

CAN'T BLAME CLERK

However, one Western delegate said that any criticism properly should be directed at Bunche and not at Urquhart or OPI.

"In a bureaucracy, a junior clerk can't be blamed if he's ordered by his superior to do something he knows is against regulations," the delegate said. "In practical terms, that's how a bureaucracy works."

Others raised the question of whether Bunche had cleared his statement in advance with Thant, as Secretariat rules demand. It seemed unlikely that he did. Thant was vacationing on a beach in Burma when the Powell exclusion was voted.

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The Washington Times Herald
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Sunday News (New York)
New York Post
The New York Times
World Journal Tribune (New York)
The Sun (Baltimore)
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World

Date MAR 5 1967

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5-19 (Rev. 12-6-66)

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Election Set April 11 for Powell's Seat

THE EVENING STAR
Washington, D. C., Tuesday, March 7, 1967

NEW YORK (AP)—A special election has been called for April 11 in New York's 18th District to fill the House seat made vacant last week by the ouster of Democrat Adam Clayton Powell.

Republican Gov. Nelson A. Rockefeller set the date yesterday but made no further comment. He received official notification of the vacancy Saturday from House Speaker John McCormack.

Powell, who remains at his vacation retreat on the island of Bimini in the Bahamas, may enter the contest if he so chooses. He has said that, if necessary, he would run for the seat again.

The 18th District — a predominantly Negro area in Harlem — includes the Abyssinian Baptist Church of which Powell is pastor. He has been an enormously popular figure in the district, winning 12 straight congressional races by wide margins.

(Rep. William F. Ryan, D-N.Y., introduced legislation in Washington today to require the federal government to pay the estimated $80,000 to $100,000 cost of the special election. He said New York City should not have to foot the bill for the election caused by "hasty action of the House" in ousting Powell, United Press International reported.)

The Washington Post
Times Herald
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
World Journal Tribune
(New York)
The Sun (Baltimore)
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
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Many-Faceted Legal Battle Looms

By LYLE DENNISTON
Star Staff Writer

Clayton Powell's case [illegible] a major constitutional battle, but first it is likely to be a many-faceted lawyers' controversy, legal experts here suggest.

It is possible, some say, that the court case over the Harlem Negro's right to be in Congress may fall short of settling the power of the House and Senate over wayward members.

And if that issue is left open, even the potential crisis of a Supreme Court vs. Congress conflict may be averted, it is said.

Powell's lawyers have not yet made their move in court, so neither the basic form it will take nor its broad impact on court-Congress relations is known.

(United Press International reported today that his lawyers hope to file the suit in U.S. District Court here tomorrow.)

Legal experts familiar with what the House has done, with the arguments his lawyers have made up to now, and the general legal moves open to him, have begun to sort out the possible questions — major and minor — raised by the case.

The biggest issues are those that may one day lead to the "Supreme Court-Congress collision" foreseen by several House members.

These are tests of whether a congressmen's constituents, guided only by a few lines in the Constitution, may choose the man they want regardless of what Congress thinks of him; whether the houses of Congress need take any orders from courts on control of their membership; and how a court — including the highest one — may deal with a house that rebels against a court order.

None of those questions has been finally answered, since the courts have seldom in history had to decide the limits of congressional power to kick out a [illegible] over a new election.

In fact, there has never been a Supreme Court decision directly testing a house of Congress' refusal to let in an elected representative or senator.

Aside from the biggest questions, legal experts foresee some or all of these questions arising in the Powell court test:

Does Powell himself have any "right" to his seat, and is that a "right" he may sue to protect? Or, must his Harlem constituents fight his legal battle?

If Powell may file his own legal challenge, may he ask the courts to force Congress to seat him, may he seek limits on the punishment Congress may hand out, and may he claim financial damages?

If he aims his lawsuit directly at Congress, may the Speaker and other House leaders refuse even to reply, on the grounds that they are immune to lawsuit?

What type of court may handle his initial legal attack—a single U.S. district judge, a three-judge federal court, or the U.S. Court of Claims?

What standards must the courts use in analyzing the House rebuff to Powell—standards of conduct that the House may make up as it goes along, a defined few standards of eligibility laid out in the Constitution, or a general standard on misbehaving members?

How far back in the past may a member's conduct be examined, and what type of conduct is subject to congressional review?

If the conduct of a member is the kind that might be covered by criminal law, may a house provide its own distinct kind of punishment for that—before or after actual conviction in criminal court?

May Powell or some of his constituents try to stop New York from holding an election to fill a seat that Powell insists is not legally vacant?

If that election is held and Powell runs in it, has he forfeited the legal right to continue challenging the House action barring him last week?

It is conceivable, some legal analysts believe, that court answers to some of those questions might settle the Powell case without full-scale court review of the biggest constitutional tests.

But it now seems certain that, no matter what questions do or do not get answered, the Powell case will go to the Supreme Court.

The prospect is that the case will get to that tribunal fairly soon. Too much is at stake, most observers say, to let the Powell case merely take its turn on federal court dockets.

Members of Congress and outsiders here tend to be deeply divided now over the outlook for court-Congress relations once the Supreme Court ruled in the case.

There are those, in and out of Congress, who say a crisis is almost a certainty unless the justices uphold what the House has done.

But there are others, both congressmen and outsiders, who expect the House to go along even if the court ordered it to give Powell his seat and limited its authority to punish him.

In that event, it is said, the Supreme Court would get the political blame for putting Powell in Congress. It was to avoid that blame that many members voted against him last week, some observers argue.

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Date 3-10-67

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UPI-97

Adam Clayton Powell

ADD POWELL, BIMINI

MCKISSICK SHARED POWELL'S OPTIMISM ABOUT DEFEATING ANYONE WHO RUNS AGAINST HIM SAYING "IT DOESN'T MATTER WHO RUNS AGAINS HIM, ADAM CLAYTON POWELL IS GOING TO WIN." HE ADDED "EVEN AFTER ADAM CLAYTON POWELL IS BACK IN CONGRESS, AFTER WE HAVE WON THE BATTLE OF ADAM CLAYTON POWELL, THERE IS STILL GOING TO BE A NEED FOR BLACK POLITICAL ACTIVITY" ACROSS THE COUNTRY.

POWELL JOINED IN TO SAY THAT "WE ARE NOW SERIOUSLY DISCUSSING THE POSSIBILITY THAT THOSE OF US WHO BELIEVE IN THE NEW BLACK AND THE NEW WHITE MAN WILL BE CRISS-CROSSING THE COUNTRY" IN CONNECTION WITH THE PROJECTED NEW NATIONWIDE PROGRAM.

POWELL WAS ASKED IF HE WANTED OR NEEDED PRESIDENT JOHNSON'S SUPPORT AND HE SAID. "JOHNSON NEVER SUPPORTED ME BEFORE AND I DON'T THINK THE PEOPLE OF HARLEM NEED MR. CHARLIE NOW." POWELL IMMEDIATELY CRACKED, "I'M SORRY I SAID MR."

POWELL SAID, "I'LL GO BACK TO HARLEM WHEN MY LAWYERS SAY SO."

HE ADDED, "I SHALL DO EVERYTHING IN MY POWER WITH THE HELP OF MY GOOD PEOPLE TO WIN" HIS SEAT BACK IN CONGRESS. HE SAID THERE WAS "NO CONNECTION BETWEEN MCKISSICK'S APPEARANCE HERE TODAY AND MEREDITH'S ANNOUNCEMENT OF HIS GOP CANDIDACY YESTERDAY.

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UPI-172

(POWELL)

WASHINGTON--ADAM CLAYTON POWELL'S LAWYERS ASKED A FEDERAL COURT TODAY TO ORDER HIM READMITTED TO THE HOUSE OF REPRESENTATIVES.

ATTORNEYS FOR THE HARLEM DEMOCRAT FILED A SUIT IN THE U.S. DISTRICT COURT HERE AGAINST SPEAKER JOHN W. MCCORMACK AND OTHER LEADERS AND OFFICERS OF THE HOUSE.

THEY ASKED THE COURT TO SET UP A SPECIAL THREE-JUDGE PANEL TO HEAR THEIR CLAIM THAT THE HOUSE ACTION ON MARCH 1 BARRING POWELL FROM MEMBERSHIP WAS UNCONSTITUTIONAL.

UNTIL THE CONSTITUTIONAL ISSUE IS DECIDED, POWELL'S LAWYERS SAID THE THREE-JUDGE COURT SHOULD ISSUE A PRELIMINARY INJUNCTION RESTRAINING THE DEFENDANTS FROM EXECUTING THE RESOLUTION UNDER WHICH POWELL WAS EXCLUDED.

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ADD 1 POWELL, WASHINGTON (UPI-172)

THE REQUESTED INJUNCTION ALSO WOULD DIRECT MCCORMACK TO ADMINISTER THE OATH OF OFFICE TO POWELL AND SARGEANT-AT-ARMS ZEAKE W. JOHNSON TO PAY HIM HIS $30,000-A-YEAR SALARY.

IN A BRIEF FILED WITH THE COURT, POWELL ARGUED THAT HE SHOULD BE SEATED BECAUSE HE MET THE THREE QUALIFICATIONS LISTED FOR MEMBERSHIP IN THE CONSTITUTION--AGE, CITIZENSHIP AND RESIDENCE.

THIS BASICALLY IS THE SAME ARGUMENT POWELL RAISED WHEN APPEARING BEFORE A SELECT COMMITTEE WHICH INVESTIGATED HIM AFTER HE WAS TEMPORARILY BARRED FROM HIS HOUSE SEAT ON JAN. 10.

THE SPECIAL COMMITTEE RECOMMENDED THAT POWELL BE SEATED AND PUNISHED, BUT THE HOUSE REJECTED THE ADVICE AND VOTED TO OUST HIM ALTOGETHER.

POWELL'S LAWYERS ADDED ONE MORE ARGUMENT IN THEIR BRIEF TO THE COURT. THEY SAID HARLEM'S NON-WHITE CONSTITUENTS WERE BEING DISCRIMINATED AGAINST ON THE BASIS OF RACE AND COLOR AS A RESULT OF POWELL'S OUSTER.

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UPI-175
ADD 2 POWELL, WASHINGTON

NEGRO VOTERS AND OTHER NON-WHITE VOTERS IN THE HARLEM DISTRICT, THE BRIEF SAID, WERE "BEING SUBJECTED TO VESTIGES OF SLAVERY AND INVOLUNTARY SERVITUDE IN VIOLATION OF THE 13TH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES."

IN ADDITION TO POWELL, THE PLAINTIFFS IN THE SUIT INCLUDED A. PHILIP RANDOLPH, NOTED NEGRO LEADER AND A POWELL CONSTITUENT, MANHATTAN BOROUGH PRESIDENT PERCY SUTTON, VARIOUS HARLEM POLITICAL LEADERS AND OTHER HARLEM VOTERS.

NAMED AS DEFENDANTS, IN ADDITION TO MCCORMACK AND SERGEANT-AT-ARMS JOHNSON, WERE HOUSE DEMOCRAT LEADER CARL ALBERT; HOUSE REPUBLICAN LEADER GERALD R. FORD; REP. EMANUEL CELLER, D-N.Y., CHAIRMAN OF THE SELECT COMMITTEE; REP. ARCH MOORE JR. R-W.VA., RANKING GOP MEMBER OF THAT COMMITTEE; REP. THOMAS B. CURTIS, R-MO., WHO OFFERED THE MOTION TO EXCLUDE POWELL; HOUSE CLERK W. PAT JENNINGS AND HOUSE DOORKEEPER WILLIAM M. MILLER.

FIVE OF THE EIGHT LAWYERS WHO HAVE BEEN ASSISTING POWELL DELIVERED THE 17-PAGE BRIEF. THEY ARRIVED AT THE COURT AT ABOUT 5:15 P.M. EST, ONE HOUR AND 15 MINUTES PAST THE NORMAL CLOSING TIME.

THE CLERK'S OFFICE, HOWEVER, REMAINED OPEN AFTER THE LAWYERS HAD PHONED TO SAY THEY WOULD BE FILING SUIT. D.C.

WILLIAM M. KUNSTLER, ONE OF THE ATTORNEYS, SAID HE HOPED A DISTRICT COURT JUDGE WOULD HOLD A HEARING TOMORROW ON THE REQUEST TO SET UP A THREE-JUDGE PANEL.

KUNSTLER SAID IT WOULD BE UP TO POWELL TO DECIDE WHTHER HE WOULD PERSONNALY SHOW UP AT THE HEARING.

THE LAWYER SAID IT WOULD NOT BE NECESSARY FOR POWELL TO APPEAR.

HE SAID THE DEFENDANTS PROBABLY WOULD BE SERVED WITH SUMMONES TOMORROW, BUT THEY, TOO, WOULD NOT HAVE TO BE ON HAND.

IF THE DISTRICT JUDGE ORDERS THE IMPANELING OF A THREE-JUDGE COURT, POWELL'S CASE SHOULD RECEIVE A CONSTITUTIONAL AIRING IN A RELATIVELY SHORT TIME. WHATEVER DECISION A THREE-JUDGE COURT HANDS DOWN CERTAINLY WOULD BE APPEALED TO THE SUPREME COURT. AND IF THE DISTRICT JUDGE REFUSES TO SET UP THE THREE-JUDGE PANEL, POWELL'S LAWYERS CAN BE EXPECTED TO APPEAL THAT DECISION TO THE U.S. COURT OF APPEALS HERE.

FRANK REEVES, ANOTHER OF POWELL'S ATTORNEYS, TOLD NEWSMEN THAT THEY HAD NO PLANS TO TRY TO BLOCK A SPECIAL ELECTION SCHEDULED FOR APRIL 1[illegible] TO FILL THE VACANCY IN NEW YORK'S 18TH CONGRESSIONAL DISTRICT.

THE ELECTION WAS CALLED BY GOV. NELSON A. ROCKEFELLER AFTER MCCORMACK NOTIFIED HIM OF POWELL'S EXCLUSION FROM THE HOUSE.

REEVES SAID THAT THERE WAS NO PRESENT NEED TO FILE SUCH A SUIT BECAUSE IF THE CASE THEY HAD JUST FILED IS WON, THERE WOULD BE NO VACANCY.

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UFI-176

ADD 5 POWELL, WASHINGTON

IT TOOK A ROLL CALL VOTE, 254 TO 85, TO BEAT DOWN AN ATTEMPT BY OPPONENTS TO AMEND THE RESOLTUION TO LIMIT THE COUNSEL'S FUNCTION TO "ADVISING" THE SPEAKER, RATHER THAN REPRESENTING ANYBODY IN COURT. THE RESOLUTION THEN PASSED BY VOICE VOTE.

GOP LEADER GERALD FORD, MICH., TRIED TO ASSURE THE DOUBTERS THAT THE HOUSE WOULD NOT WAIVE ITS CONSTITUTIONAL RIGHTS BY ACQUIRING A LAWYER.

"AS A PRACTICAL MATTER THERE HAS TO BE SOMEONE TO GO DOWN THERE AND TELL THEM IT'S NONE OF THEIR BUSINESS," FORD DECLARED. HE WAS CHEERED LUSTILY.

THE TENOR OF THE DEBATE MADE IT CLEAR THAT IF THE SUPREME COURT SHOULD EVER DIRECT MCCORMACK AND THE OTHERS TO GIVE POWELL BACK HIS SEAT A CONSTITUTIONAL COLLISION OF HISTORIC PROPORTIONS WOULD DEVELOP.

"WE SHOULD TELL THEM WHAT PRESIDENT MADISON TOLD MARSHALL," SAID REP. WILLIAM COLMER, D-MISS. "OKAY, YOU'VE GOT YOUR ORDER, NOW ENFORCE IT."

COLMER MADE HIS POINT, EVEN THOUGH HE JUMBLED HIS HISTORY. IT WAS PRESIDENT ANDREW JACKSON RATHER THAN MADISON WHOM THE THUNDEROUS LINE IS ATTRIBUTED.

IRONICALLY, IT WAS A SPEECH BY FORD WHICH OPPONENTS USED TO FIGHT THE RESOLUTION. THOUGH STRONGLY FAVORING THE IDEA OF HIRING A LAWYER, FORD SAID IN SO MANY WORDS THAT THE COURT HAD NO RIGHT TO EXAMINE THE MATTER.

HIS SPEECH WAS INTERRUPED BY APPLAUSE SEVERAL TIMES, INCLUDING AT THE END OF ONE PASSAGE WHERE FORD WOULD HAVE PREFERRED NONE.

ACKNOWLEDGING THAT THERE WERE TIMES WHEN CONGRESS WAS GUILTY OF OVEREXTENDING ITS AUTHORITY FORD QUOTED REP. THADDEUS STEVENS DENOUNCING PRESIDENT ANDREW JOHNSON DURING THE RECONSTRUCTION PERIOD.

THE QUOTE CLOSES WITH THE WORDS, "THIS IS NOT A GOVERNMENT OF KINGS AND SATRAPS, BUT A GOVERNMENT OF THE PEOPLE, AND CONGRESS IS THE PEOPLE." MEMBERS ROARED.

3/6--TS59PES

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FOR MR. TOLSON
WASHINGTON CAPITAL NEWS SERVICE

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UPI-170

ADD 6 POWELL, WASHINGTON

THE FIRE AND BRIMSTONE GENERATED DURING THE DEBATE DID NOT SO MUCH REVOLVE AROUND POWELL AS AROUND THE SEPARATION OF POWERS PRINCIPLE AND THE PROUD CLAIM OF THE LEGISLATURE THAT IT IS EQUAL TO THE JUDICIAL AND EXECUTIVE BRANCHES.

THE FIVE CONGRESSMEN SERVED WITH COMPLAINTS AND SUMMONSES THURSDAY VOTED AGAINST EXCLUDING POWELL. MCCORMACK WAS CHOSEN BECAUSE IT IS HE WHO WOULD SWEAR IN POWELL IF HE WAS REAPPOINTED AND THE OTHERS BECAUSE THEY WERE CONSIDERED REPRESENTATIVE OF THE HOUSE IN GENERAL.

THE SUMMONSES STATE THAT THE MEMBERS HAVE 60 DAYS IN WHICH TO REPLY. IF THEY DO NOT RESPOND BY THAT TIME, THE COURT WILL BE EMPOWERED TO GRANT POWELL'S REQUEST.

ALL OF THE DAY'S CRIES OF ALARM MAY TURN OUT TO BE UNNECESSARY. A DISTRICT COURT JUDGE STILL HAS TO DECIDE WHETHER A THREE-JUDGE COURT SHOULD EVEN PONDER THE ISSUE.

REP. WILLIAM L. SCOTT, R-VA., SUPPORTED HIRING A LAWYER AND TOLD THE HOUSE THAT THIS WOULD NOT PRECLUDE THE POSSIBILITY THAT HE COULD VERY WELL SAY WHEN THE TIME COMES, THE COURT HAS MADE ITS DECISION, NOW LET IT ENFORCE IT" -- ANOTHER PARAPHRASE OF THE JACKSON QUOTATION.

3/5--ISSUES

FOR MR. TOLSON
WASHINGTON CAPITAL NEWS SERVICE

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WFI-157

ADD 7 POWELL, WASHINGTON

THE [illegible] U.S. MARSHAL WHO SERVED THE MEMBERS AND EMPLOYES WAS WILLIAM POUK. ACCORDING TO SOMEONE IN THE OFFICE AT THE TIME, PAPERS WERE PRESENTED AND ACCEPTED WITH OUT ANY NOTABLE COMMENT.

W/O--TOODLES

FOR MR. TOLSON

WASHINGTON CAPITAL NEWS SERVICE

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WFI-219

(REPEAT)

WASHINGTO --REP. CLAUDE PEPPER, D-FLA., TODAY SAID FEDERAL COURTS HAVE NO JURISDICTIO TO REVIEW THE REFUSAL OF THE HOUSE TO SEAT REP.-ELECT ADAM CLAYTON POWELL.

PEPPER SAID IN A STATEMENT THAT IF THE FEDERAL DISTRICT C RT TAKES ANY ACTION ON POWELL'S SUIT TO REGAIN HIS SEAT, IT WHOLLY ONLY BE THAT OF DECLARING IT HAS NO JURISDICTION.

THE COURTS HAVE NO JURISDICTION OF THIS MATTER BECAUSE THE ACTION WAS TAKEN WITH THE EXCLUSIVE JURISDICTION OF THE HOUSE OF REPRESENTATIVES UNDER THE CONSTITUTION OF THE UNITED STATES," PEPPER SAID.

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FOR MR. TOLSON

WASHINGTON CAPITAL NEWS SERVICE

9-19 (Rev. 12-9-66)

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Powell Sues House To Regain His Seat

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Charges Ouster Was Based on Racial Grounds

By John P. MacKenzie
Washington Post Staff Writer

Adam Clayton Powell sued Congress yesterday, demanding his seat back and charging that it was taken away on racial grounds.

While his attorneys filed the suit in Federal District Court here against House Speaker John W. McCormack (D-Mass.), Powell called a news conference on his Caribbean island home to denounce James Meredith, his prospective opponent in an April 11 special election.

"Meredith who?" Powell rasped when asked whether he considered the 33-year-old Mississippi civil rights figure a formidable opponent.

Seek 3-Judge Panel

Powell's attorneys here are expected to seek today a special three-judge panel with the power to enjoin enforcement of the March 1 House resolution excluding him from membership in the 90th Congress.

After striking down the resolution as unconstitutional, the suit said the court should order Speaker McCormack to administer the oath to Powell, direct House Clerk W. Pat Jennings and Sergeant-at-Arms Leake W. Johnson Jr. to give him back [illegible] and compel other House functionaries to treat him like a fully eligible congressman from Harlem.

Joining Powell as plaintiffs were 13 Negro residents of his 18th congressional district in New York, including labor leader A. Phillip Randolph, former Manhattan Borough President Hulan E. Jack and New York County Democratic Chairman J. Raymond Jones.

Violation Charged

These constituents claimed that their constitutional rights also had been violated because they were entitled to political representation by the man they helped elect.

Meeting with newsmen at Bimini, Powell heaped scorn on Meredith, saying his Republican opponent in the special election "is not even a civil rights leader."

"I have service in Congress unequaled by anyone," Powell said. "Long after Mr. Meredith changed his diapers I was walking the streets of Harlem on picket lines."

The lawyers asked for expedited handling of the lawsuit, but it was doubtful that the courts could rule before the election next month. Powell was rated as the heavy favorite in the election. Lawyers said the salary claim would save the suit from becoming legally dead after the election.

As expected, the lawyers based their suit primarily on the claim that the "exclusive qualifications" for the office were age, citizenship and residency, all of which the resolution itself said were met by Powell.

They added, however, that Powell or his constituents were denied rights secured by seven amendments to the Constitution — including, in the case of five women plaintiffs, the 19th Amendment giving women the vote.

The Washington Post
Times Herald A-1
The Washington Daily News
The Evening Star (Washington)
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The suit charged that the Negro plaintiffs were being "effectively disenfranchised on account of their race "as House Resolution No. 278 denied them the right to vote expressly on the grounds of race and color."

Plaintiffs and other "non-white electors" from the 18th District "are being subjected to vestiges of slavery and involuntary servitude in violation of the 13th Amendment," the suit charged.

House members disavowed any racial motive in excluding Powell and courts rarely render judgment on the basis of legislative motive. The resolution said that Powell had brought the House into disrepute by ignoring New York courts, that he improperly kept his estranged wife on the public payroll for doing no work, that he misappropriated Labor Committee funds and was contemptious of the Select Committee assigned to investigate him.

Powell's lawsuit claimed that the Select Committee hearings denied him "the elemental rights of due process" that he had demanded, including notice of formal charges and the right to confront and cross-examine witnesses.

Besides McCormack, the Clerk and the Sergeant-at-Arms, the suit named as defendants House Doorkeeper William (Fishbait) Miller and four Congressmen: Majority Leader Carl Albert (D-Okla.), Minority Leader Gerald R. Ford (R-Mich.), Select Committee Chairman Emanuel Celler (D-N.Y.) and Committee member Arch A. Moore Jr. (R-W.Va.).

It was not clear last night who would represent all these defendants in court. A Justice Department spokesman said lawyers in the Civil Division had not seen the suit and the matter of defending the suit probably had not been discussed with House officials.

It was learned, however, that House leaders were considering retaining a private lawyer although no decision has been reached.

United Press International

At Bimini, CORE leader Floyd McKissick, left, endorses candidate Powell.

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UPI-80
(POWELL)
WASHINGTON--REPUBLICAN LEADER GERALD FORD, MICH., TOLD THE HOUSE TODAY THAT NO COURT IN THE LAND HAS THE JURISDICTION TO ORDER ADAM CLAYTON POWELL READMITTED TO CONGRESS.

FORD SAID ACTION BY THE HOUSE IN EXCLUDING THE HARLEM DEMOCRAT WAS "FINAL" UNLESS IT WAS CHANGED BY THE HOUSE.

THE GOP LEADER WAS ONE OF THE DEFENDANTS IN A SUIT FILED HERE WEDNESDAY BY POWELL WHICH ASKED THE FEDERAL COURTS TO RETURN HIM TO THE HOUSE.

"THE INTEGRITY OF THE HOUSE MUST BE PRESERVED, PROTECTED AND DEFENDED FROM WITHOUT AS WELL AS FROM WITHIN," FORD SAID IN A SPEECH PREPARED FOR DELIVERY TO THE HOUSE.

THE CONGRESSMAN DID NOT SUGGEST WHAT THE HOUSE SHOULD DO IN THE EVENT THE SUPREME COURT DIRECTED SPEAKER MCCORMACK AND OTHER OFFICIALS TO ADMIT POWELL.

BUT HE SAID THAT NO COURT "CREATED BY THE CONSTITUTION OR BY THE CONGRESS IN THE JUDICIAL BRANCH, NOR ANY OFFICER OF THE EXECUTIVE BRANCH, HAS ANY JURISDICTION HERE."

U.S. MARSHALS WERE EXPECTED TO SERVE FORD, MCCORMACK AND THE OTHER DEFENDANTS WITH COPIES OF THE SUIT BUT AS OF NOON, WHEN THE HOUSE CONVENED, SERVICE HAD NOT BEEN RENDERED.

POWELL'S SUIT TO REGAIN HIS CONGRESSIONAL SEAT WAS EXPECTED TO COME ~~TO COME~~ BEFORE DISTRICT COURT JUDGE GEORGE L. HART JR. TODAY.

HART WAS TO MAKE AN INITIAL DETERMINATION WHETHER A THREE JUDGE PANEL SHOULD BE FORMED TO HEAR POWELL'S COMPLAINT.

THE PANEL WOULD THEN CONSIDER POWELL'S REQUEST FOR A TEMPORARY INJUNCTION TO RESTRAIN MCCORMACK FOR REFUSING TO GIVE POWELL THE OATH OF OFFICE.

A COURT SPOKESMAN SAID HART'S CONSIDERATION OF THE POWELL REQUEST WOULD COME AFTER MCCORMACK AND OTHER HOUSE LEADERS ARE PRESENTED WITH NOTICES OF THE POWELL ACTION.

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UPI-92
ADD 1 POWELL, WASHINGTON (UPI-80)
MEANTIME, THE HOUSE WENT SHOPPING FOR A LAWYER TO DEFEND ITS POSITION IN TOSSING POWELL OUT.
LEADERS PREPARED FOR PROMPT HOUSE ADOPTION A RESOLUTION AUTHORIZING THEM TO HIRE COUNSEL. THEY SAID NO ATTORNEY HAD YET BEEN SELECTED BUT THAT THE MAN SOUGHT WOULD BE A PROMINENT AND QUALIFIED CONSTITUTIONAL EXPERT.
THE RESOLUTION WAS DRAFTED AS A FEDERAL MARSHAL WAS REPORTED EN ROUTE TO CAPITOL HILL TO SERVE MCCORMACK AND OTHERS IN THE ACTION FILED BY POWELL YESTERDAY.
FORD'S POSITION THAT NO COURT IN THE LAND WAS JURISDICTION TO ORDER POWELL READMITTED TO CONGRESS WAS EXPECTED TO BE THE BASIC HOUSE CONTENTION.
IN THE ABSENCE OF OTHER ACTION, THE JUSTICE DEPARTMENT NORMALLY REPRESENTS CONGRESS IN ANY COURT ACTION. HOWEVER, IN THIS CASE HOUSE LEADERS DECIDED AGAINST THIS.
THEY REASONED THAT IN A CASE OF THIS SIGNIFICANCE -- POSSIBLY INVOLVING A DESTRUCTIVE SHOWDOWN BETWEEN THE LEGISLATIVE AND JUDICIAL BRANCHES -- THE HOUSE POSITION SHOULD BE DEFENDED BY AN ATTORNEY SOLELY RESPONSIBLE TO THE HOUSE.
THEY ALSO FELT THAT THE JUSTICE DEPARTMENT SHOULD NOT BE PUT IN THE POSITION OF DEFENDING AN ACTION IN WHICH IT HAD NO PART.
FORD, IN A SPEECH PREPARED FOR DEBATE ON THE RESOLUTION AUTHORIZING EMPLOYMENT OF OUTSIDE COUNSEL TO REPRESENT THE HOUSE, SAID THE CONSTITUTION CLEARLY GAVE THE HOUSE THE ULTIMATE AUTHORITY TO DECIDE THE QUALIFICATIONS OF ITS MEMBERS.
POWELL, WHO WAS DENIED HIS SEAT ON THE GROUND HE HAD ABUSED HIS PAYROLL AND TRAVEL ACCOUNTS, HAS ASKED THE COURT TO RULE THAT IN MAKING SUCH DECISIONS THE HOUSE CAN CONSIDER ONLY THREE POINTS SET BY THE CONSTITUTION AS QUALIFICATIONS FOR HOUSE MEMBERSHIP: AGE, CITIZENSHIP, AND RESIDENCE.
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WASHINGTON CAPITAL NEWS SERVICE

House Eyes Own Council In Powell Bid

By ROBERT E. WALSH and WILLIAM BARHAM
Star Staff Writers

The House planned to act late today on a bipartisan resolution Democratic and Republican to have outside lawyers—instead of the Justice Department—fight a court suit filed in behalf of the ousted Adam Clayton Powell.

House leaders agreed on such a resolution at a conference this morning with Speaker John W. McCormack.

Republican Leader Gerald R. Ford was prepared to introduce the resolution and request immediate action.

The resolution resulted from a suit filed in U.S. District Court here yesterday, in which Powell challenged the constitutionality of the House vote on March 1 which excluded him.

Introduction of the resolution was delayed temporarily this afternoon because U.S. marshals had not served summonses on McCormack, other congressmen and House officials named as defendants in the Powell suit.

Powell attorneys are expected to ask District Court Judge George L. Hart Jr. to order Powell's immediate return to Congress while the constitutional challenge to his exclusion from the House is considered.

In a suit filed late yesterday against the House by his eight attorneys, the Harlem Democrat said he met the constitutional requirements of age,

See POWELL, Page A-6

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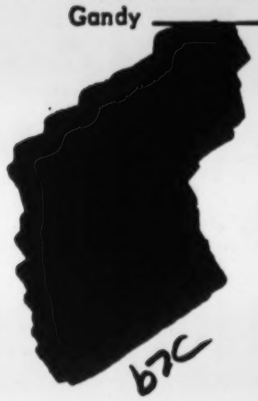

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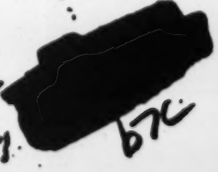

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POWELL

Attorneys to Ask Immediate Seating

Continued From Page A-1

citizenship and residency and was certified as the elected representative of New York's 18th District.

The suit charges that the House exclusion resolution subjected the Harlem district's "non-white" citizens to the "pains and penalties of discrimination based upon race and color forbidden by various provisions" of the Constitution.

Powell's lawyers said the resolution also "amounted to a trial for infamous crimes without presentment or indictment by a grand jury."

If Powell's demands in court are granted, Hart would request the chief judge of the U.S. Court of Appeals to convene a special three-judge panel to hear a constitutional challenge to the House resolution.

This type of panel, normally composed of the District Court judge who makes the request and at least one judge of the appellate court, also would consider issuing a preliminary injunction to force the House to seat Powell pending the outcome of the suit.

If Hart rejects the request for a three-judge panel, Powell's attorneys probably would appeal immediately.

Besides Powell, 13 others are named as complaining parties in the suit.

They are a "cross-section of the 18th District," according to William M. Kunstler, a Powell attorney.

The list includes civil rights leader A. Philip Randolph, Manhattan Borough President Percy E. Sutton and former Borough President Hulan Jack.

The suit names eight defendants, including Speaker McCormack; Ford; Rep. Emanuel Celler, D-N.Y., chairman of the select committee which investigated Powell; Rep. Carl Albert, D-Okla., House whip; Rep. Arch A. Moore, R-W.Va., ranking minority member of the select committee; Rep. Thomas B. Curtis, R-Mo., who offered the motion to exclude Powell, and officials of the House staff.

Powell's attorneys noted that the resolution has prompted New York's Gov. Nelson A. Rockefeller to set April 11 for a special election to fill the vacant seat. But the request for the restraining order does not mention the impending election.

Frank D. Reeves, another Powell attorney, told reporters that the court action was not taken because of James H. Meredith's announcement on Tuesday that he would run as a Republican in the special election.

Some court observers questioned the validity of a constitutional challenge to the exclusion resolution, pointing out that federal law requires that this special kind of complaint may be raised only against "acts of Congress."

One government attorney construed an act of Congress as being a federal statute, "passed by both the House and Senate and signed by the President."

Kunstler replied that the resolution "has the effect" of being an act of Congress and can be challenged.

The difference of opinion possibly could provide the basis for a major confrontation between the judiciary and Congress.

Judge Hart could accept Powell's definition of an act of Congress or rule that it is a political question under the "separation of powers" doctrine and a matter outside of the court's province.

Powell's attorneys said his constituents will suffer "irreparable harm" if he is not seated immediately.

They said that because the House refuses to seat Powell, Negro electors and other nonwhite residents of the 18th District "are being subjected to vestiges of slavery and involuntary servitude" in violation of the Constitution.

8 Violations Alleged

Besides asserting Powell's qualifications for being seated, his attorneys added that the select committee's hearings denied him "notice of charges, the right of confrontation of witnesses" and "effective representation of counsel who could cross-examine witnesses. . . ."

The suit listed violations of eight constitutional amendments, ranging from those which afford equal protection to Negro citizens to the right of women to exercise their vote.

Reeves said Powell was ready to return to Washington if needed in the court action.

The proposed resolution that the House hire its own lawyer to fight the Powell suit does not designate any attorneys by name but calls for an expert on constitutional law.

Ford explained that the appointment of an outside lawyer should not be considered a reflection on the Justice Department which normally represents Congress or individual congressmen in court proceedings.

He said the House should have a lawyer or lawyers who would be directly responsible to Congress throughout the entire course of the Powell litigation.

He noted that Justice Department lawyers in this particular case might be embarrassed by involvement in a possible confrontation between the legislative and judicial branches.

JACKIE ROBINSON CONDEMNS G.O.P. OVER MEREDITH

Says He Tried to Keep Party Out of Race, Which He Calls a 'Conspiracy'

APPEALED TO GOVERNOR

Javits Backs Party's Choice as Symbol of Dignity Harlem Is Seeking

By JAMES F. CLARITY

Jackie Robinson, one of the most prominent Republican Negro leaders in the nation and a key assistant to Governor Rockefeller, castigated his party yesterday for offering James H. Meredith the G.O.P. candidacy to oppose Adam Clayton Powell for Congress.

Mr. Robinson also said he tried unsuccessfully to persuade Mr. Rockefeller that the Republicans should not oppose Mr. Powell in the special election, which was called by the Governor for April 11. Mr. Powell, a Harlem Democrat, was excluded from the 90th Congress in a House vote March 1.

Mr. Meredith, a widely known Negro civil rights activist, accepted the offer of Manhattan G.O.P. leaders Tuesday. The bid to run in the 18th District is expected to be confirmed within a week by Republican county committeemen from Harlem.

Robinson Sees 'Conspiracy'

Mr. Robinson, the first Negro to play major league baseball, said he was "shocked that the Republican party would ask him to join what we consider a conspiracy" against Mr. Powell.

He said Mr. Meredith, who was the first Negro known to have enrolled at the University of Mississippi, had "sold himself for whatever he can get."

He said that during a conversation with the Governor last Friday, "my advice was to run no one, but the Governor said, 'this is Democrats against Republicans and somebody has to run.'"

Mr. Robinson said he supported Mr. Powell because "this is not a political issue, it is an emotional, racial issue. . . ." He said there was no specific discussion of Mr. Meredith as a candidate.

Mr. Robinson, whose title is Assistant to the Governor for Community Affairs, was interviewed by telephone as he sat at his desk in Mr. Rockefeller's local office at 22 West 55th Street.

Jacob B. Underhill, assistant press secretary to the Governor, was in another office in the building when he said "the Governor has no comment" on the Meredith candidacy or on Mr. Robinson's remarks.

Mr. Robinson resigned as vice president in charge of personnel of Chock Full O' Nuts in 1964 to work for Mr. Rockefeller in his campaign for the Republican Presidential nomination.

Two nationally prominent Republicans endorsed the selection of Mr. Meredith, who described himself Tuesday as an "independent Democrat."

Senator Jacob K. Javits of New York said Mr. Meredith was "young, lively and worthy of nomination by the Republican party. He is certainly a symbol of the dignity and participation in our national life for which the people of Harlem have been working for decades. As a Republican, I will certainly support him."

Representative Gerald R. Ford, the Republican minority leader in the House, said: "We're always glad to get converts. . . . If I were in that district and he was the nominee, I'd vote for him."

Mr. Ford, whose district is in Grand Rapids, Mich., said the House G.O.P. organization would help M. Meredith if he became the officially designated party nominee.

Many Negro Leaders Silent

Republican Edward W. Brooke, of Massachusetts, the only Negro member of the Senate, declined to comment on Mr. Meredith's candidacy, as did many of the nation's Negro leaders.

Among those who would not comment were Dr. Martin Luther King, chairman of the Southern Christian Leadership Conference; Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People; Whitney M. Young, national director of the Urban League, and Dr. Kenneth Clark, president of the Metropolitan Applied Research Center. A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters, was on a tour of union locals in Florida and not available for comment.

Mr. Meredith, who intends to take a leave of absence from Columbia Law School, where he has been a student for two years, was in Grand Rapids, Mich. yesterday to address a group of students at Aquinas College. He would not discuss politics.

This week's edition of The Amsterdam News, published last night, carried no editorial comment on Mr. Meredith. The newspaper, which circulates widely in Harlem, has generally supported Mr. Powell against his critics.

Powell Rejects TV Offer

Mr. Powell, who was in Bimini, the Bahamas, and Mr. Meredith received two offers to debate on television. WCBS (Channel 2) and WPIX (Channel 11) said Mr. Meredith had accepted the offers and that Mr. Powell had not replied to them.

Mr. Powell said he had turned down the offers.

WPIX planned to stage the debate at studios in Miami "to obviate the legal problems that now prevent Mr. Powell from visiting the . . . district," said the station's special events manager, Walter D. Engels. No dates or format arrangements had been set on by either station.

The question of Mr. Powell's ability to campaign in the district stem from standing warrants for his arrest on charges of contempt of court related to his conviction for libeling a Harlem woman.

Mr. Powell's legal difficulties notwithstanding, J. Raymond Jones, Manhattan Democratic leader, announced that the county committee would meet next Wednesday to nominate a candidate for Mr. Powell's seat. Mr. Powell is expected to be the overwhelming choice of the committee.

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RICHARD WILSON

Support of Powell May Harm Rights Movement

The civil rights movement, in designating Adam Clayton Powell as its new champion, is sacrificing the moral force which made the cause irresistible.

With the Negro problem as yet largely unsolved, with the basic economic and urban aspects barely touched, with the problem of integration in the schools steadily increasing, some of the militant leaders have decided to change the subject.

Personifying the unsolved Negro problem in the flamboyant frame of the sybaritic, well-heeled Powell is ludicrous. His problem has no demonstrable relationship to the plight of the average Negro.

Yet, it is the announced intention of Floyd McKissick, the chief officer of the Council on Racial Equality, and others, to make Powell the centerpiece in a nationwide Negro political "apparatus."

This is clearly the kind of separatism which has been threatening the Negro movement the loss of across-the-board support that it can ill afford.

This eccentric change in direction comes at a time to affect most adversely the proposals President Johnson has made to Congress on extension of federal civil rights guarantees to Negroes in the rental and purchase of housing. Congress has already rendered its judgment on Powell, not as a Negro but as a congressman, and is in no mood to equate the Harlem representative with the civil rights cause.

McKissick is claiming the support of Dr. Martin Luther King's Southern Christian Leadership Conference, of Stokeley Carmichael, leader of the Student Non-Violent Coordinating Committee, Rep. Julian Bond of Georgia and others in a misguided move that could set back the civil rights movement to the vestigial sit-in stage when shy the adventurous or fully dedicated whites participated.

It is a little as if the AFL-CIO had decided to make James R. Hoffa its champion of the rights of the working man on the flimsy pretext of protecting Hoffa's constitutional rights.

Under the emotional pressure of the all-black movement for Powell, even the

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[illegible] has trimmed his sails. The supposition that Powell would not have been excluded from Congress if he had not been a proclaimed Negro has no factual foundation.

Powell is out of Congress because he lost all perspective of his responsibilities as a committee chairman, and because of unrefuted evidence which could, if proved in court, convict him of several crimes. None of this evidence had anything to do with his being a Negro, nor was even remotely connected with the civil rights cause. His trouble began with a court judgment against him by another Negro.

The tragic part of it is that some Negro leaders have allowed themselves to be persuaded, largely after the fact, that the overwhelming sentiment against Powell in Congress is inseparable from a reaction against the civil rights movement. This is all the more reason for the Justice Department to move promptly in determining if there is a basis for prosecuting Powell on criminal charges so that the whole matter can be kept in its true perspective.

The shape of what is to come on the Powell issue is clearly visible. Powell will probably defeat James H. Meredith, who risked his life for the civil rights cause, in the special election in Harlem next month.

By that time McKissick and his associates will have sought to organize pressure movements in all areas where the Negro vote is critical to the reelection of congressmen. The purpose will be to paralyze congressional action on seating Powell when the issue rises again, and to play for time until action in the courts or in the House itself reverses or changes the earlier decision.

To make this the chief aim of the civil rights movement is a perversion of its high purpose which many Negroes themselves will certainly reject, for it is not even remotely related to the basic questions of education, employment, housing, health and mutual respect.

9-19 (Rev. 12-8-66)

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Republicans Face Problems Over Support for Meredith

By LARRY A. STILL
Star Staff Writer

Republicans here and in New York face a money problem—how much they should raise for James Meredith's campaign to defeat Democrat Adam Clayton Powell in Harlem.

Some sources indicate that the GOP is seriously considering a drive to raise a whopping $250,000 or more to help Meredith, the Negro civil rights leader who announced earlier this week that he'll run against Powell in the special election slated for April 11 in the wake of the Negro congressman's ouster from the House.

The issue is a touchy one for the GOP because of charges that it is unfair to Powell to mount an aggressive campaign against him.

The Republican Congressional Campaign Committee here reportedly has agreed thus far to raise a substantial amount for Meredith—if he will get equal support from New York Republican leaders.

But while the committee reportedly is pushing for a strong campaign, there are indications that the Republican National Committee is less eager to push Meredith.

GOP leaders here have made it clear that they are not attempting to dictate to New York's Republican leaders, but they are prepared to make the plunge if Gov. Nelson Rockefeller and New York Mayor John Lindsay can provide strong local organizational support.

"The financial chest will also depend upon how much local support the candidate has and whether we think he can win," said one congressional committee spokesman.

GOP leaders are also leary of Powell's legal action to regain his seat and appear to be ready to make an all-out campaign if it appears the federal courts are going to take a hands-off attitude.

Regardless of what the party does, Meredith has insisted he will make his own decisions, and that he is only running for the now vacant congressional seat to give voters in the 18th Congressional District a choice.

Although the University of Mississippi graduate and Columbia Law School student was offered the nomination by Republican Assembly leaders, the GOP action has angered some Negro party talwarts in Harlem.

Most big-name Negro leaders have rallied around Powell. And even a Rockefeller staff man, Jackie Robinson, a longtime Republican, has spoken out against Meredith's expected nomination as an effort of outsiders to control the affairs of Harlem.

Members of the recently reorganied minorities division of the Republican National Committee also are reported opposed to the decision to run Meredith and were not even consulted on the possible action, insiders say.

One Negro spokesman in the party has said:

"I would even quit my job before I campaign for Meredith against Powell."

He conceded that the GOP is considering dumping thousands of dollars into the campaign, but added, "I don't think Harlem can be bought at this time."

Many Harlem Republicans feel the party is making a major mistake in injecting itself into a Democratic fight which could have paid off in mass Negro support for the GOP in the long run.

Uptown Negro leaders were already grooming candidates to oppose Powell in the future or to run for the seat if he stepped aside in two to four years, but they don't think he can be defeated now in the heat of emotions over his ouster.

Now many Negro party leaders appear convinced that the Powell issue is no longer strictly a political issue, but a civil rights issue which could deeply scar the movement, or unite Negroes solidly behind Powell.

Meredith's march through Mississippi which caused a split in the civil rights movement last year when the cries of "black power" upset the nation and led to Powell's downfall, critics of the Harlem GOP candidate say.

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"Shoe Is on Adam's Other Foot"

"Adam Clayton Powell has had a not surprising change of heart concerning the power of Federal Courts in dealing with Congress.

His suit in District Court against the House for its "illegal" March 1 resolution ousting him contrasts with his stated views in December, 1963.

A Maryland taxpayer filed suit demanding that Rep. Powell's pay be docked because of his prolonged absences from Congress, and Mr. Powell answered that the courts could not interfere with "the legislative function, in violation with the Constitutional separation of powers."

William D. Goff, the irate Cumberland resident, cited the chapter of the U.S. Code that calls for the House Sergeant at Arms to withhold a Representative's salary for each day he is absent unless for family illness.

When U.S. Marshal Lake Moore sent his men out in June, 1963, with summonses they couldn't find Rep. Powell.

The court had put off the hearing scheduled to Oct. 22 and, finally, to Nov. 26, and the marshals had no luck until Nov. 21, 1963, at 7:05 p.m., when a marshal found Rep. Powell at his home, 16 Gresham Court SE, and handed him the court paper.

Mr. Goff's suit died shortly after when his money ran out. It was dismissed by agreement between both parties.

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GOP Boss Says Meredith Was Negroes' Pick

By HARRY SCHLEGEL

Five Negro Republican district leaders in Harlem's 18th Congressional District were credited yesterday by Manhattan GOP leader Vincent Albano with hitting on the idea of running James Meredith against Adam Clayton Powell.

James Meredith

The county boss said he and the five—Charles Hill, Juan Delgado, William Cornelius, Carey Blue and Harold Burton—had considered Meredith as the choice against Powell among several others for about a week.

Finally, Albano said, he went to Meredith, an independent Democrat, and told him "it was the enthusiastic sentiment of the leaders that he be the candidate. He said he would run."

Control 155 EDs

The five control 155 of the election districts in the Congressional district, with the remaining 63 EDs under the jurisdiction of white leaders. Meredith will face Powell in a special election April 11 to fill the House seat from which the flamoyant Powell was excluded by his fellow Congressmen.

The Rev. A. Kendall Smith, chairman of the Harlem Citizens for Community Action, again urged Meredith to withdraw from the race. Smith fired off a blast at Meredith from Miami, where he stopped over after visiting Powell in Bimini.

"You were used by Robert Kennedy at the University of Mississippi to create a liberal image by the Kennedy Administration and now by white Republicans against Adam Powell to divide Harlem," Smith charged.

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House Has 60 Days to Reply to Suit

Harlem Will Act on Powell First

From the threats of defiance thundering out of the House, it appeared likely today that the voters of Harlem would send Adam Clayton Powell back to Congress a lot quicker than the courts.

Key House members have 60 days to answer formally a suit Mr. Powell filed Wednesday to regain the congressional seat he held for 22 years.

But a special election to fill the vacancy created when he was "excluded" last week was set for April 11 and the Negro preacher-politician figures to win handily. Shortly after that, he can be expected to come knocking at the door of the House.

SIGNS PAPERS

Mr. Powell was reported to have slipped into Miami from his Bimini hideaway yesterday, apparently to sign the necessary qualification papers to run. Sources at Miami International Airport said he spent about an hour in a VIP lounge having the papers notarized before leaving, presumably to head back to the Bahamas.

Tho the exclusion vote March 1 was not close, there are some who believe that with hard work and a measure of arm-twisting Democratic and Republican leaders can persuade enough members to switch their votes to approve a plan under which Mr. Powell would be seated, then punished.

In any event, the problems posed by the election se bound to confront the House well before any significant court action is taken.

An idea of how the House would respond to a Supreme Court ruling that ordered it to take Mr. Powell back came yesterday during what might be called a warm-up bout.

Taking its first step to counter Mr. Powell's suit, the House adopted a resolution authorizing Speaker John McCormack to hire a private lawyer to defend it.

It took a roll call vote of 284 to 85 to beat down an attempt to limit the counsel's function to "advising" the Speaker, instead of representing anyone in court. The resolution then was adopted by voice vote.

During the debate, Republican leader Gerald Ford (Mich.), suggested hiring the lawyer since "as a practical matter someone has got to go down there and tell them ((the Court) it's none of their business."

This prompted Rep. Byron G. Rogers (D., Colo.) to retort: "What's wrong with the Speaker wrting a little letter to the court in a franked envelope saying we are not under its jurisdiction?"

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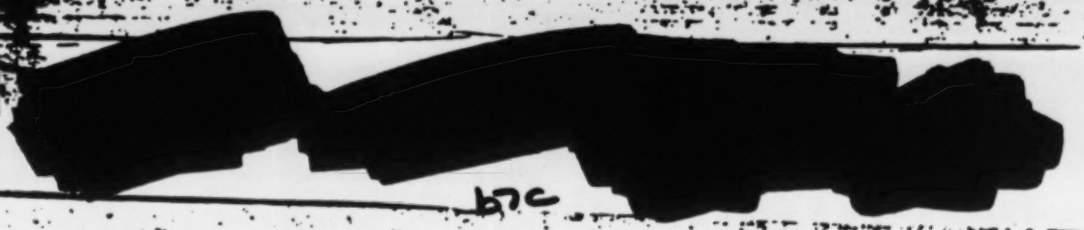
Powell Scoffs



at Meredith's Bid

Says He's Not A 'Formidable' Foe in Election

CORE to Support Excluded Democrat Against the GOP

BIMINI (UPI)—Ousted Democratic Rep. Adam Clayton Powell said today he doesn't consider his announced political opponent, James H. Meredith, formidable or a civil rights leader.

Meredith said in New York yesterday that he has agreed to run as a Republican against Powell in a special congressional election April 11.

Powell gave his assessment of Meredith at a news conference on his island hideaway as his lawyers prepared to go to court in Washington later today to challenge the constitutionality of the House action in excluding him.

At the conference, the militant Congress of Racial Equality gave Powell its formal support should his legal move fail and he have to run for election from [illegible] served for 21 years.

"No Rights Leader"

"There was no Meredith before (my ouster from the House) and there will be no Meredith after," Powell said.

Asked if he would admit that Meredith could become a formidable opponent Powell angrily replied:

"I do not admit that at all. Man, get lost!"

To another question he said "No, he is not even a civil rights leader."

"I have . . . service in Congress unequaled by anyone," Powell said.

When reporters brought up the question of Meredith's decision to run against him, Powell drew a laugh from about 100 reporters, tourists and Biminites who attended his press conference when he responded with "Meredith who?"

"You Know" Who

But reporters said, "You know the Meredith who integrated the University of Mississippi."

Powell cracked, "How many Negroes go there now by the way?"

He continued, "I don't know much about the man but the picture of James Meredith sitting with a white man who asked him to run against Adam Clayton Powell tells the story. He was referring to the newspaper pictures of Meredith sitting with a Harlem Republican leader.

Core Leader Floyd McKissick announced that his group was throwing its support behind Powell's bid for return to the House, either by court reinstatement or re-election.

McKissick announced that a nationwide campaign both on behalf of Powell and on behalf of the Negro civil rights movement, was about to get underway.

Asked if there were any plans

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Continued From Page A-1

for demonstrations, McKissick said, "There are no plans but certainly demonstrations are not ruled out."

He said that "We have been told that we have been given the support of the Southern Christian Leadership Conference."

The conference is headed by Dr. Martin Luther King Jr.

McKissick said, "We have the overwhelming support of virtually every other civil rights organization" but he did not name them.

Powell said that Stokely Carmichael, leader of the Student Non-violent Coordinating Committee, was expected down here in a few days and also "my good friend Julian Bond of the Georgia legislature.

McKissick said that "we are not talking about a national Negro party but a national Negro political apparatus. We are talking about an apparatus to bring all the black people together to discuss their problems.

"Mr. Powell is going to be our program," he added.

"The Adam Clayton Powell struggle has become nationwide," McKissick said. "This is the major issue for the civil rights movement now.

"The black people of Harlem and the black people of America have decided that they will determine themselves who will represent them in Cong.ess."

6-16 (Rev. 12-6-66)

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DAVID LAWRENCE

Powell Case and 14th Amendment

Adam Clayton Powell and the entire civil-rights movement have more to lose than gain if the Supreme Court should rule that the House of Representatives must grant a seat to the Harlem minister. For if the Supreme Court chooses to overrule the House of Representatives about who shall be admitted to a seat in Congress, it will be a reversal of the attitude taken nearly 200 years ago when the highest court in the land refused even to consider such questions.

To put it another way, if the judiciary should take jurisdiction and order that a seat in Congress be given Adam Clayton Powell, then the validity of the 14th Amendment, which was fraudulently adopted, could be challenged now because in 1865, when it was first voted on, certain members of both houses were denied seats in Congress. The Supreme Court has always claimed it has been without power to intervene.

Historians have never disagreed about the facts. When the War between the States ended with Lee's surrender on April 9, 1865, President Lincoln proclaimed amnesty. Yet in December 1865, when the 39th Congress convened, both houses decided to deny seats to the members from 10 Southern states, including those whose legislatures had ratified the 13th Amendment abolishing slavery. Thaddeus Stevens, the Northern leader in Congress, based his case on the constitutional provision which says that "each house shall be the judge of the elections, returns and qualifications of its own members."

This is the same provision that was cited recently by the House of Representatives in connection with its resolution excluding Powell. Yet every person elected to Congress from the South in the December 1865 session was over 25 years of age, an inhabitant of his own state, a citizen of the United States, and was elected by the people—the sole qualifications for admission according to Powell's lawyers.

When the new session of Congress began in December 1865, it was apparent that the 14th Amendment could not get a two-thirds majority in both houses unless the South was excluded. This amendment was submitted to the states by Congress on June 16, 1866. In the Reconstruction Act, which was passed in March 1867 by the "rump" Congress, it was declared that the 10 Southern states whose legislatures had rejected the 14th Amendment would not be permitted representation until their legislatures ratified the amendment.

Again and again, efforts were made to challenge these acts of a "rump" Congress. It was pointed out that the Constitution itself said no state could be deprived of its equal representation in the Senate without its consent, that peace had come to the nation, and that there was no longer any insurrection. But the Supreme Court of the United States deliberately put the issue aside and refused to make any ruling.

The explanation given at the time—and ever since—was that these were "political" questions and that the Supreme Court felt it had no right to interfere with the way Congress operates — whom it should admit and whom it should reject.

What would happen now if the Supreme Court suddenly decides to overrule Congress and compel the admission of Adam Clayton Powell, especially if he is elected again next month? If the high court abandons its historic position that it has no authority over who shall sit in Congress, then certainly another test could immediately ensue on the validity of the 14th Amendment itself. For even the lapse of time does not alter the historic facts or the constitutional issues.

Civil-rights laws today have as their legal foundation the 14th Amendment. So a victory for Powell in recovering his seat could easily turn out to be a set-back for the civil-rights movement.

The "ratification" of the 14th Amendment has, to be sure, been accepted thus far as a realistic fact by the Supreme Court, but it could be subjected to new challenges raising questions as to the propriety of the method of "ratification" actually used. If the amendment were declared null and void, a substitute would then have to be enacted and submitted to the States. Public opinion would doubtless favor adoption, but Congress would also have to re-examine and re-enact the previous legislation on civil rights.

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'Meredith Who?'

Adam Clayton Powell

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The Washington Merry-Go-Round

New House Members Seek Equal Justice

By Drew Pearson and Jack Anderson

It is a House tradition that freshmen should be seen and not heard, but the 48 freshmen Republicans have boldly called upon their seniors to apply the same ethical yardstick to all Congressmen that was used to judge Adam Clayton Powell.

What was wrong for Powell, they said in effect, is wrong for his colleagues who voted to throw him out of Congress.

No individual Congressman, they declared, should be "judged against any special standard against which we are not all ready and willing to be judged."

In this spirit, we are ready to offer evidence to the appropriate House committee—if the House ever establishes one—that Rep. L. Mendel Rivers (D-S.C.), is unfit to continue as chairman of the sensitive House Armed Services Committee.

Not only does his drinking problem make him a security risk, but he has used his influence at the Pentagon to help defense contractors. We have carefully documented, for example, how he brought pressure upon the Military Sea Transportation Service to pay the Power Equipment Corporation $104,394 more than its contract allowed for repairing the Navy transport Randall.

It may be merely a coincidence that his law partner at the time, T. E. Pedersen, represented various defense contractors.

"I always represented these clients on an individual basis," Pedersen assured us. "The Congressman had nothing to do with them."

Pedersen added that his legal work for defense contractors picked up after he stopped practicing law with Rivers. Pedersen also said he was affiliated with the Washington law firm of Sellers, Conner and Cuneo, which specializes in Government contract work.

By another interesting coincidence, this happens to be the law firm that represented the Power Equipment Corporation in its efforts to squeeze more money out of the taxpayers.

Affiliation Denied

Gilbert A. Cuneo, one of the partners, denied that his firm is "affiliated" with either Pedersen or Rivers, though this was the word used by Pedersen to describe the relationship. Cuneo claimed that Pedersen had brought only one case to his firm, involving a Polaris submarine subcontract.

Cuneo admitted that Pedersen drops into the office when he's in Washington, also that Rep. Rivers's name has been brought up in their conversations.

"But," Cuneo added with emphasis, "I wouldn't know Mendel Rivers if he walked into this room."

Thus it must have been for a complete stranger that Rivers interceded to get the $104,394 which Power Equipment was demanding for "extra work." For there is no other known link between the Congressman and the corporation, which was located in Brooklyn.

Rivers has a keen sense of geography. He delivers frequent speeches about the glories of his native South Carolina. Not only his oratory but his voting record suggests that he has little in common with the people of Brooklyn.

Yet he intervened with the Military Sea Transportation Service to help a Brooklyn corporation. Rivers got on the phone to Vice Admiral John (Dutch) Will, then the MSTS commander, and now president of American Export Lines.

"What's all this trouble over extras?" Rivers began, referring to Power Equipment's claim. He asked the Admiral to see Joe Kelly, who was pushing the company's claim in Washington.

The Admiral phoned his commander in Brooklyn, Rear Admiral D. T. Eller, and ordered him to negotiate with Kelly.

While the negotiations were in progress, Rivers read a flattering biography of Admiral Will into the Congressional Record.

With Rivers in the act, Power Equipment jacked up its claim to $173,150.61 but finally settled for $104,394.

Conservationist?

This column reported recently that Federal officials were red-faced over having given an antiair - pollution award to Louis A. Wehde of the Ford Motor Company at exactly the time the Ford plant at Dearborn, Mich., was accused of being a major contributor to air pollution.

A similar case has come to light in Wisconsin. Gov. Warren P. Knowles recently presented an award to Guido Rahr of Manitowoc, Wis., as "conservationist of the year."

What was not mentioned was the fact that a Federal investigation of interstate pollution of the upper Mississippi River system in the Minneapolis-St. Paul area had found the Rahr Malting Company which Guido Rahr heads to be one of the main polluters of those water resources.

The pollution is so severe that it makes the Mississippi and sections of Lake Pepin in both Wisconsin and Minnesota unfit for boating, water skiing, swimming and even fishing.

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Drew Pearson, just back from a South American trip, will report on prospects for the Latin Summit Conference at 6:40 p.m. today over Radio WTOP.

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The Law

The Powell Case and the Constitution

E-7

By FRED P. GRAHAM
Special to The New York Times

WASHINGTON, March 11—When the House of Representatives voted last week to exclude Adam Clayton Powell from his seat in Congress, it was the sixth time since the Civil War that the House had taken such an action.

But when Mr. Powell brought suit here Tuesday, asking the Federal District Court to reverse the House's move, he became the first excluded member to take the issue to court.

The reason why the earlier members did not bother to sue is obvious—the Federal courts had given no indication that they would entertain such a suit.

The various reasons for excluding the other Congressmen were polygamy, pro-Confederate activity, the sale of official favors and seditious statements during World War I.

A good argument could have been made that these were unconstitutional reasons.

The only requirements set by the Constitution are that a member must be at least 25 years old, must have been an American citizen for at least seven years, and must be an inhabitant of the state from which he was elected.

Constitutional Limitations

At the time the Constitution was drafted the framers rejected a provision that would have given Congress the power to set its own membership qualifications. "A republic may be converted into an aristocracy or oligarchy," James Madison said, if Congress were permitted to fix its own qualifications.

So although the Constitution says "each House shall be the judge of the qualifications of its own members," a good case can be made that this refers to the qualifications specified in the Constitution.

Yet the earlier excluded members did not sue, apparently because American courts had traditionally followed the principle that legislative bodies are judges of their own members' qualifications. To intervene in such matters would violate the principle of separation of power, the courts held.

Mr. Powell's decision to sue is a measure of the vast changes in the courts' attitude on this point in recent years.

The Supreme Court broke the ice in the reapportionment decisions, ordering state legislatures to change their legislatures to change their districting practices and to elect members on a one-man, one-vote basis.

Julian Bond Case

Then last December, the Supreme Court broke with the custom against judicial intervention in legislative bodies' affairs and ruled unanimously that the Georgia Legislature had acted unconstitutionally in refusing to seat Negro pacifist Julian Bond.

Dealing with a situation closely akin to the Powell case, the high Court ruled that Mr. Bond could be excluded only for a failure to meet the qualifications specified in the state constitution. And if he were excluded for other reasons, such as his antiwar statements, the courts have jurisdiction to give him relief, the high Court held.

In a footnote, Chief Justice Earl Warren observed that the Federal Constitution withheld from Congress the "improper and dangerous power" to fix its own members' qualifications. Unless these are set by the Constitution, Congress "can by degrees subvert the Constitution," the Chief Justice said, quoting James Madison.

Thus there were hints of a changed judicial attitude abroad this week when Mr. Powell and 13 of his Harlem constituents asked that a three-judge Federal District Court be convened, and that it enjoin the House from enforcing its exclusion resolution.

They charged that the House cannot exclude Mr. Powell for playing fast and loose with Congressional funds or for running afoul of the courts of New York, since he meets the age, citizenship and residence requirements for a House member.

For good measure, the Harlem plaintiffs also claimed that the action was racially inspired and subjected them, as Negroes, to "vestiges of slavery and involuntary servitude" in violation of the 13th amendment.

In all, the Powell suit contends that the House action violated seven Constitutional provisions, eight Constitutional amendments, and two Federal statutes.

One of these allegations—the charge that the denial of Mr. Powell's seat deprives Harlem of the benefit of his 23 years of Congressional seniority—suggested the basic conflict that the Powell suit raises.

Even assuming that the House acted unconstitutionally, should the courts get into the business of second-guessing Congress's conduct of its own internal affairs?

Might Open Floodgates

For if the courts can consider whether or not Mr. Powell can be stripped of his seniority, they could also presumably decide whether he could be made to repay $40,000 in misappropriated funds, as a special panel recommended. And if the courts can decide these questions, there is no reason why Congressmen could not sue over committee assignments, censure proceedings, expulsion (which the Constitution permits, upon a two-thirds vote) and the multitude of other matters that Congress has traditionally handled in its own way.

Aside from the question of the wisdom of judicial intervention in the Powell case, there is considerable doubt as to whether Congress would stand for it.

Although the reapportionment cases and the Julian Bond decision provide superficial precedents on Mr. Powell's side, there is a crucial difference.

Federal-State Conflict

In those cases the Federal courts were controlling the internal affairs of state legislatures. If any had resisted, a Federal-state clash would have ensued, and in these matters the Federal Government always won.

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But a conflict between the Federal courts and Congress offers quite different prospects.

Congress has the power to strip the lower Federal courts of their jurisdiction to hear certain types of cases, as well as the power of the purse over the entire judiciary.

In the event of a direct conflict, Congress could simply ignore the Supreme Court's decision.

The House did vote this week to retain counsel (this is not unusual in such situations, since the Justice Department is responsible ultimately to the President, not Congress), but not in a spirit of submission to the court's will.

"As a practical matter," said House Minority Leader Gerald R. Ford, "there has to be someone to go down there and tell them it's none of their business."

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UPI-100

(POWELL)

BIMINI--ADAM CLAYTON POWELL SAID TODAY JAMES MEREDITH PROBABLY WITHDREW AS HIS OPPONENT IN THE APRIL 11 HARLEM CONGRESSIONAL ELECTION BECAUSE HE DIDN'T WANT TO BECOME "THE WHITE MAN'S PUPPET."

POWELL MADE THE COMMENT AT A PRESS CONFERENCE AT WHICH HE ANNOUNCED HIS ENDORSEMENT OF COMEDIAN DICK GREGORY AS MAYOR OF CHICAGO. GREGORY STOOD AT HIS SIDE DURING THE CONFERENCE.

THE OUSTED CONGRESSMAN ALSO ANNOUNCED THAT HE IS RETURNING TO NEW YORK CITY NEXT SUNDAY "WHETHER OR NOT THE NEW YORK APPELATE COURT HANDS DOWN THE DECISION BY THEN OR NOT..I'M GOING WHETHER OR NOT I MAY BE ARRESTED," HE SAID.

NOTING THAT NEXT SUNDAY IS PALM SUNDAY POWELL SAID "ONLY I WILL NOT RIDE INTO HARLEM ON THE FOAL OF AN ASS AS THE SCRIPTURES SAY. WE'RE GOING TO WALK UP THE STREETS OF JERUSALEM," HE SAID REFERRING TO HIS PLAN TO GO FROM 110TH TO 145TH ST.

GREGORY SAID "IF YOU GO TO JAIL, I'M GOING WITH YOU AND IT'LL BE A SWINGING JAIL." IN RETURN FOR ACCOMPANYING POWELL INTO NEW YORK, POWELL PROMISED TO GO TO CHICAGO ON APRIL 4 TO HELP GREGORY'S ELECTION CAMPAIGN AS AN INDEPENDENT CANDIDATE.

ASKED WHAT HE WILL DO IF ARRESTED IN NEW YORK POWELL SAID," IF I'M ARRESTED THAT WILL BE A PROBLEM FOR MY PEOPLE TO WORK OUT."

POWELL SAID "OF COURSE NOT" WHEN ASKED IF HE WAS SURPRISED BY MEREDITH'S SUDDEN WITHDRAWAL AS THE REPUBLICAN CANDIDATE AGAINST HIM. HE SAID HE KNEW NOTHING OF ANY POSSIBLE "OUTSIDE PRESSURES" ON MEREDITH.

"GOD MOVES IN MYSTERIOUS WAYS, HIS WONDERS TO PERFORM," POWELL REMARKED IN ANSWER TO A QUESTION AS TO WHY MEREDITH PULLED OUT FROM THE HARLEM RACE. BUT THEN HE ADDED "I DON'T THINK ANY MAN WHO WAS A CIVIL RIGHTS LEADER WOULD ALLOW A WHITE MAN TO PULL THE PUPPET STRINGS OR TO BE A PUPPET OF THE WHITE MAN."

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UPI-71 Wash D.C. N.Y.

(POWELL)

WASHINGTON--SPEAKER JOHN W. MCCORMACK TODAY HIRED NEW YORK ATTORNEY BRUCE BROMLEY TO REPRESENT THE HOUSE IN ITS DEFENSE AGAINST A COURT SUIT BY FORMER REP. ADAM C. POWELL TO REGAIN HIS SEAT.

BROMLEY WAS RECOMMENDED BY REP. EMANUEL CELLER, D-N.Y., CHAIRMAN OF A SPECIAL COMMITTEE WHOSE PROPOSED CENSURE ACTION AGAINST THE VETERAN HARLEM LAWMAKER LED EVENTUALLY TO HIS EXCLUSION.

IN AUTHORIZING THE EMPLOYMENT OF A "SPECIAL COUNSEL" TO REPRESENT THE HOUSE, MEMBERS LAST WEEK MADE IT PLAIN THEY DO NOT CONCEDE TO THE COURTS ANY RIGHT TO INTERFERE IN HOUSE AFFAIRS.

POWELL CONTENDS HE WAS ILLEGALLY EXCLUDED. IN CONTESTING THE HOUSE ACTION, HE ALSO IS SEEKING RE-ELECTION AT A SPECIAL ELECTION ON APRIL 11.

BROMLEY IS A MEMBER OF THE NEW YORK FIRM OF CRAVATH, SWAINE AND MOORE. HE WAS BORN IN PONTIAC, MICH., AND WAS ADMITTED TO THE BAR IN 1920 IN NEW YORK. HE RECEIVED A B. A. DEGREE FROM THE UNIVERSITY OF MICHIGAN IN 1914 AND AN LL. B. FROM HARVARD LAW SCHOOL IN 1917. IN 1949, THE UNIVERSITY IF MICHIGAN AWARDED HIM A LL. D. UNION UNIVERSITY AWARDED THE SAME DEGREE IN 1958.

BROMLEY WAS AN ASSOCIATE JUDGE OF THE NEW YORK COURTS OF APPEALS IN 1949. HE IS A MEMBER OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK; NEW YORK COUNTY LAWYERS' ASSOCIATION; NEW YORK STATE AND AMERICAN BAR ASSOCIATIONS. HE IS ALSO A FELLOW OF THE AMERICAN COLLEGE OF TRIAL LAWYERS AND OF THE AMERICAN BAR ASSOCIATION. HE IS AMEMBER OF THE BOARD OF ETHICS OF THE CITY OF NEW YORK, AND HAS BEEN FOR A NUMBER OF YEARS; IS ALSO A MEMBER OF THE MAYOR'S COMMITTEE ON THE JUDICIARY.

MCCORMACK SAID HE DID NOT ASK BROMLEY'S POLITICAL AFFILIATION. OTHER SOURCES SAID HE IS A REPUBLICAN. HE IS 73.

"I MET HIM FOR THE FIRST TIME TODAY," MCCORMACK SAID. "BUT I KNOW ALL ABOUT HIM."

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WASHINGTON CAPITAL NEWS SERVICE

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UPI-18
(POWELL)
NEW YORK--ADAM CLAYTON POWELL WAS DETERMINED TODAY TO MAKE A TRIUMPHANT PALM SUNDAY ENTRY INTO HARLEM TO PREACH AT HIS BAPTIST CHURCH AGAINST HIS LAWYER'S ADVICE THAT HE WILL PROBABLY BE ARRESTED AND JAILED.

AN APPEALS COURT DIRECTED YESTERDAY THAT THE DEPOSED CONGRESSMAN BE ARRESTED FOR CONTEMPT OF COURT WHEN HE SETS FOOT IN THE STATE, WHETHER HE DOES SO ON SUNDAY OR ANY OTHER DAY OF THE WEEK.

IN HARLEM, POWELL, AN ORDAINED BAPTIST MINISTER, WAS BEING COMPARED TO JESUS, WHO ON THE FIRST PALM SUNDAY NEARLY 2,000 YEARS AGO MADE A TRIUMPHANT ENTRY INTO JERUSALEM, ONE WEEK BEFORE HIS CRUCIFIXION.

THE REV. A. KENDALL SMITH, CHAIRMAN OF THE HARLEM CITIZENS FOR COMMUNITY ACTION AND A POWELL ADVISER, SAID HIS GROUP HAD VOTED TO RECOMMEND THAT POWELL RETURN TO NEW YORK THIS SUNDAY DESPITE THE THREAT OF BEING JAILED.

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UPI-147

(POWELL)

NEW YORK--ADAM CLAYTON POWELL'S ATTORNEY INDICATED TODAY HE WOULD BRING SUIT AGAINST NEW YORK CITY SHERIFF JOHN J. MCCLOSKEY IF THE SHERIFF ARRESTS THE OUSTED HARLEM CONGRESSMAN WHEN HE RETURNS HERE NEXT SUNDAY.

ATTORNEY HENRY WILLIAMS SENT A TELEGRAM TO MCCLOSKEY WARNING HIM NOT TO ATTEMPT TO ARREST POWELL.

SHOULD WILLIAMS BRING A LAWSUIT AGAINST MCCLOSKEY FOR ARRESTING POWELL, THE SHERIFF, NOT THE CITY--WOULD BE LIABLE. MCCLOSKEY IS BONDED FOR $300,000 TO COVER SUITS. THE FEE FOR BONDING IS PAID BY THE CITY.

IN HIS TELEGRAM TO MCCLOSKEY, WILLIAMS SAID:

"ANY INTERFERENCE BY YOU ON ANY SUNDAY WITH THE PERSON OF ADAM CLAYTON POWELL CONSTITUTES FALSE ARREST AND CRIMINAL ASSAULT, SUBJECTING YOU TO APPROPRIATE PENALTIES UNDER THE LAWS OF THE STATE OF NEW YORK.

"YOUR OFFICE IN ITS ENTIRE HISTORY HAS NEVER MADE A SUNDAY ARREST. IT IS IN THE PUBLIC INTEREST THAT YOU IMMEDIATELY ANNOUNCE THAT YOU WILL NOT VIOLATE OR BREACH THE TRUST WHICH YOU ACCEPTED WHEN YOU TOOK YOUR OATH OF OFFICE."

MCCLOSKEY, CONTACTED AT HIS NEW YORK OFFICE, SAID HE HAD NOT YET RECEIVED THE TELEGRAM AND SAID HE WOULD HAVE NO COMMENT ON IT, NOR ON WHETHER HE PLANS TO ARREST POWELL SUNDAY.

POWELL, CURRENTLY IN HIS BIMINI HIDEAWAY, HAS SAID HE PLANS TO COME TO HARLEM SUNDAY TO PREACH AT HIS ABYSSINIAN BAPTIST CHURCH.

POWELL IS LIABLE FOR ARREST ON CHARGES OF CRIMINAL CONTEMPT STEMMING FROM HIS LONG BATTLE OVER A SLANDER SUIT WON AGAINST HIM BY A HARLEM WOMAN HE CALLED A GRAFT COLLECTOR FOR THE POLICE DEPARTMENT.

WILLIAMS SAID ARRESTING POWELL ON A SUNDAY WOULD BE ILLEGAL EVEN THOUGH COURT PAPERS ORDERING HIS ARREST MADE A PROVISION FOR A SUNDAY ARREST.

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UPI-72
(POWELL).
WASHINGTON--ABOUT 150 HOUSE MEMBERS HAVE URGED THE JUSTICE DEPARTMENT TO MOVE ALONGE WITH AN INQUIRY INTO POSSIBLE CRIMINAL IMPLICATIONS OF ADAM CLAYTON POWELL'S AFFAIRS.
IN A LETTER, THE GROUP URGED ATTY. GEN. 4-.36 8)-4(

IN A LETTER, THE GROUP URGED ATTY. GEN. RAMSEY CLARK TO PROCEED WITH "DUE DILIGENCE AND DISPATCH" TO ACT ON THE FINDINGS OF A SELECT COMMITTEE HEADED BY REP. EMANUEL CELLER THAT INVESTIAGED POWELL.
THE LETTER NOTED THAT WHEN THE CELLER COMMITTEE ISSUED ITS REPORT TO THE HOUSE, IT "SIMULTANEOUSLY... FORWARDED COPIES OF ALL RECOMMENDATIONS TO THE DEPARTMENT OF JUSTICE FOR APPROPRIATE ACTION."
THE LETTER CITED FINDINGS OF THE SELECT COMMITTEE THAT POWELL "DID IN FIVE SEPARATE INSTANCES WRONGLY AND WILLFULLY APPROPRIATE PUBLIC FUNDS FOR HIS OWN USE, FALSELY CERTIFIED TRANSPORTATION VOUCHERS FOR PAYMENT FROM PUBLIC FUNDS, AND MADE FALSE REPORTS ON EXPENDITURES OF FOREIGN EXCHANGE CURRENCY."
"WE THE UNDERSIGNED MEMBERS OF THE HOUSE OF REPRESENTATIVES DO RESPECTFULLY URGE THAT THE DEPARTMENT OF JUSTICE INQUIRE INTO THE ABOVE FINDINGS WITH DUE DILIGENCE AND DISPATCH," THE LETTER TO CLARK SAID.
MEANWHILE POWELL WENT FISHING APPARENTLY CONFIDENT THAT BY WAITING ON BIMINI A WHILE LONGER HE WILL FIND A WAY TO RETURN TO HARLEM SHORTLY WITHOUT RISKING ARREST.
PERSONS CLOSE TO THE OUSTED CONGRESSMAN, WHO CANCELED PLANS TO MAKE A PALM SUNDAY ENTRANCE BACK TO NEW YORK, INDICATED POWELL IS HOPEFUL THAT HIS ATTORNEYS WILL WORK OUT "SOME SOLUTION" WHICH WILL REMOVE THE CURRENT THREAT OF ARREST BY THE NEW YORK AUTHORITIES.
HOWEVER THEY DID NOT SPELL OUT WHAT THAT SOLUTION MIGHT BE OTHER THAN A POSSIBLE AGREEMENT WITH THE SERIFF OF NEW YORK TO WITHDRZW THE EXISTING THREAT OF ARREST IN CONNECTION WITH THE CRIMINAL CONTEMPT CHARGES STILL PENDING AGAINST POWELL BEFORE THE NEW YORK COURTS.
THERE WERE UNCONFIRMED REPORTS THAT POWELL MIGHT DECIDE TO PREACH A PALM SUNDAY SERMON HERE BEFORE A GROUP OF BIMINIAN CHURCHGOERS IN LIEU OF HIS PLANNED TRIUMPHANT RETURN TO HARLEM SUNDAY.

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WASHINGTON CAPITAL NEWS SERVICE

CHUCK STONE, ONE OF POWELL'S BUSINESS AIDES, SAID THAT THE HARLEMITE EX-CONGRESSMAN EXPECTS TO BE IN WASHINGTON ON APRIL 4 WHEN HIS APPEAL FOR REINSTATEMENT TO CONGRESS IS LIKELY TO BE TAKEN UP BY THE FEDERAL COURT OF THE DISTRICT OF COLUMBIA. BUT OTHERWISE THERE WERE NO IMMEDIATE INDICATIONS OF POWELL'S TRAVEL PLANS, IF ANY. THE GENERAL FEELING HERE IS THAT WHEN POWELL DOES DECIDE TO LEAVE HE PROBABLY WILL DEPART IN A HURRY AND WITHOUT PREVIOUS ANNOUNCEMENT.

3/18--TD137PES

150 in House Ask Speedup In Justice's Probe of Powell

By ROBERT E. WALSH
Star Staff Writer

Demands for faster Justice Department investigation of Adam Clayton Powell's practices as a member of Congress were voiced yesterday in a letter to Atty. Gen. Ramsey Clark from about 150 House Republicans and Democrats.

Reps. H. R. Gross, R-Iowa, Durward G. Hall, R-Mo., and Alton Lennon, D-N.C., drafted the letter about 10 days ago and circulated it among their colleagues. Powell was barred from taking his House seat March 1.

Growing out of House speeches or statements by Gross and others urging Justice Department action, the letter urged Clark to proceed with "due diligence and dispatch" to act on the findings of the select committee that investigated Powell. It did not mention the scheduled April 11 special election in which the Harlem Democrat hopes to regain his House seat. Nor did it mention Powell's lawsuit in federal court here challenging constitutionality of the House action.

Most Are Republicans

Most of the signers of the letter reportedly were Republicans, many of them first term members. But many Democrats, mainly from the South or West, also signed.

The brief letter noted that the committee, headed by Rep. Emanuel Celler, D-N.Y., submitted a report and evidence indicating wrongful use of congressional funds, misuse of transportation vouchers and false reports of use of foreign counterpart currency funds.

The Celler committee recommended that Powell be seated but censured, fined $40,000 and stripped of his House seniority. The House rejected those recommendations and voted to bar Powell from the 90th Congress.

In a separate statement, Gross asked whether the Justice Department viewed the Powell problem today differently than it did a situation involving Powell in 1963. He said the department apparently agreed with Powell at that time that the federal courts had "jurisdiction over some of his activities."

Suit Recalled

Gross recalled that William D. Goff, a Cumberland, Md. contractor, filed suit in U.S. District Court here in May 1963 asking that Powell's salary as a House member be docked because of frequent absenteeism. The attorney general at that time was Sen. Robert F. Kennedy.

Goff contended that the U.S. Code requires salary deductions for each day a member of Congress is absent without formal notice and legitimate reason.

Gross said a summons in the Goff suit was not served on Powell until the following November. He added that Goff eventually dropped the suit because of lack of funds and because of the Justice Department's attitude.

"Powell got the then assistant attorney general, John W. Douglas, and two assistants to prepare his defense that the federal district court had no jurisdiction in that case," Gross stated. "This defense contended that it would have been unjustified judicial interference with the legislative function."

Some House members who voted against seating Powell contend that the courts lack jurisdiction to interfere with such action by the legislative branch.

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The National Observer
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The New York preacher-politician said he would preach a Palm Sunday sermon here.

The 59-year-old Powell said Friday he would stay on Bimini, off Florida's east coast, at least until April 4. This is the date of a court hearing in Washington on Powell's suit to regain the congressional seat he held for 22 years before the House excluded him.

In New York, a sheriff has a warrant for Powell's arrest on a criminal contempt charge resulting from a libel suit Powell lost.

Powell, who could get up to 10 months in jail, has said that if he is arrested "the people in Harlem" will not let him lie in jail.

Negro leaders told Powell the situation in Harlem was tense after he announced he would walk New York streets today.

Because of this, Powell said, he decided to stay on Bimini.

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UPI r113

(POWELL)

NEW YORK--A SUIT WAS FILED IN STATE SUPREME COURT TODAY TO BAR ADAM CLAYTON POWELL FROM RUNNING FOR REELECTION TO THE SEAT HE WAS DENIED BY CONGRESS LAST MONTH.

THE REV. ERVIN F. YEARLING, THE CONSERVATIVE PARTY CANDIDATE IN THE SPECIAL ELECTION TO FILL POWELL'S SEAT, CONTENDED IN THE SUIT THAT POWELL WAS INELIGIBLE TO RUN BECAUSE THE HOUSE OF REPRESENTATIVES OUSTED HIM FOR THE DURATION OF THE 90TH CONGRESS--WHICH RUNS UNTIL JANUARY 1969.

JUSTICE IRVING L. LEVY SIGNED AN ORDER FOR POWELL AND THE BOARD OF ELECTIONS TO SHOW CAUSE MARCH 27 WHY POWELL'S NAME SHOULD NOT BE STRICKEN FROM THE BALLOT IN THE SPECIAL APRIL 11 ELECTION.

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WASHINGTON CAPITAL NEWS SERVICE

Letters to the Editor

Serum

Parish Catcher [illegible] Chetta, in endorsing the use of hypnosis and "truth serum" (sodium pentothal) to enable witness David Russo to recall his meeting with Lee Oswald, states that these procedures "help the individual to recall things, remember things and reveal things he might not care to reveal."

Dr. Chetta is grossly distorting the medical facts. Under the influence of sodium pentothal, subjects may give highly fictional accounts of past events and describe incidents that never happened. The drug is not a "truth serum." Its action on recall is profoundly influenced by the stress of the situation in which it is administered and the relationship between the subject and his questioners. The confabulation is a metaphorical, dramatic representation of some personal wish, fear or guilt quite unrelated to the purported issue. Russo's "memory" of Oswald may well be a personification of his own problems, which could include his relationships with New Orleans authorities. Under these circumstances, Dr Chetta is hardly introducing scientific evidence.

EDWIN A. WEINSTEIN, M.D.,
[illegible] The Washington School of Psychiatry,
Washington.

Mail or Roll Call?

The House of Representatives' refusal to seat Adam Clayton Powell is doubly suspect because, in addition to its doubtful constitutionality, the votes of some Congressmen against seating Powell were influenced by mail from their constituents. According to a *Washington Post* staff writer, March 2, several Congressmen admitted that they would have preferred to seat Powell before taking action against him, but felt they couldn't because their mail was running 100 to 1 to kick Powell out.

A case like this can be decided fairly only by following the rules of fact and law, as in a court trial, not by conducting a national popularity poll on the accused. If public sentiment was, indeed, the deciding factor in the House's abortive decision, as seems likely, it is questionable whether the House is competent to decide cases of this type under present procedure.

WILLIAM R. ETHERIDGE,
Arlington.

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House Filing Powell Suit Briefs Here

By the Associated Press

The House tells U.S. District Court today the judiciary has no constitutional right to interfere with the March 1 action that excluded Adam Clayton Powell from his House seat.

Bruce Bromley, House counsel, is to file briefs answering charges filed by Powell on March 8 and also plans to move for dismissal of the suit on grounds the court has no jurisdiction over an action by a house of Congress.

Powell's attorneys are expected to reply in briefs Monday. A preliminary hearing Tuesday by Judge George L. Hart Jr. is for oral arguments.

In his suit, the Harlem Democrat asked the court to order the House to seat him and requested that a three-judge federal court be convened to hear constitutional arguments.

CELLER BLAMES 'BACKLASH' FEAR

NEW YORK (UPI) — Rep. Emanuel Celler says prejudice, fear of "white backlash" and pressure from constituents were factors in the House refusal to seat Adam Clayton Powell.

The New York Democrat, chairman of the select House committee which had recommended that Powell be seated, said he still favored this approach but "because of his derelictions and his malevolence, will have to have some punishment meted out to him."

Celler, in an interview taped for broadcast over a Harlem radio station today, said "the House, as far as some of the members are concerned, voted from prejudice . . . deep-seated prejudice."

"I speak particularly of those members from the solid South," he said, "the so-called Dixiecrats. And then there were some members from the Midwest who voted in fear of the so-called backlash. They were probably prejudiced. . . .

"The House, because of the prejudice I spoke of before, and because of fear, because of the many communications they had received from constituents which were hostile to Powell, voted against the recommendations of the select committee."

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UPI-59
(POWELL)
WASHINGTON--A LAWYER FOR THE HOUSE TOLD A FEDERAL JUDGE TODAY THAT FOR THE COURT TO ORDER ADAM CLAYTON POWELL'S SEATING WOULD BE LIKE CONGRESS ORDERING THE COURTS HOW TO RULE IN A CASE.
ATTY. BRUCE BROMLEY ASKED U.S. DISTRICT COURT JUDGE GEORGE HART TO DISMISS THE SUIT BY POWELL WHO ASKED THE COURT TO OVERTURN HOUSE ACTION OF MARCH 1 EXCLUDING HIM FROM THE 90TH CONGRESS.
ORAL ARGUMENTS ON THE CASE BEGAN AS REPORTS CIRCULATED THAT POWELL MIGHT SEEK TO BLOCK A SPECIAL ELECTION SCHEDULED FOR NEXT WEEK TO FILL HIS HARLEM CONGRESSIONAL SEAT IF HE RECEIVES A FAVORABLE PRELIMINARY RULING FROM HART ON FRIDAY.
IN ADDITION TO TRYING FOR REINSTATEMENT THROUGH THE COURTS, POWELL IS A CANDIDATE FOR THE APRIL 11 NEW YORK ELECTION TO FILL THE VACANCY CREATED BY HIS OUSTER.
BROMLEY, A NOTED NEW YORK LAWYER HIRED BY THE HOUSE, SAID A COURT ORDER TO SEAT POWELL WOULD PROMPT A "HEAD-ON COLLISION" BETWEEN THE LEGISLATIVE AND THE JUDICIAL BRANCHES OF GOVERNMENT.
A COURT ORDER TO SEAT POWELL, HE SAID, "WOULD BE LIKE CONGRESS ORDERING THE COURTS TO ISSUE A JUDGMENT IN A PARTICULAR CASE."
BROMLEY SAID THE COURTS SHOULD AND WOULD RESIST SUCH A MOVE. HE ADDED THAT A CONGRESSMAN'S RIGHT TO VOTE INDEPENDENTLY "IS AS SACRED AS THE JUDGE'S RIGHT OF DECISION."
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WASHINGTON CAPITAL NEWS SERVICE

DAVID LAWRENCE

The Powell Case and Civil Rights

[redacted] issues of civil rights in [redacted] would be further ahead today if it were not for the mistakes still being made by some of the individuals and organizations professing to speak for the Negroes.

An example is the news that has just come from Bimini in the Bahamas, where a group of seven Negro leaders and state legislators announced, after a conference with Adam Clayton Powell, that a nation-al organization of "Negroes elected to public office" would be formed.

In California, there was recently organized a "Conference of Negro elected officials," and the same thing has been done in New York and Arizona. No comparable organization of white people is in existence, nor is there any such assembly of elected officials who happen to belong to any other racial or religious group.

There have been in recent months, moreover, cries for a crusade in the name of "black power." This has lost Negro leaders the support of some citizens in both races. The principle behind the whole civil-rights movement is that there shall be no racial or religious discrimination by persons in public office or by the use of federal facilities. This has been taken to mean that racial groups should not be isolated by others and should not isolate themselves within the American governmental or political system. The organization of Negroes in a separate association of elected officials can only accentuate racial friction and retard the efforts of those Negroes as well as whites who have been trying hard to eliminate the color line in public affairs.

The dissent among the Negroes themselves against some of their leaders is increasing. The other day, the Houston Chronicle published a letter from a local resident—Elton A. Wilborn—who said in part:

"I am a Negro. I am proud of the accomplishments of the American Negro. In the past 12 years, I have followed with interest and supported financially the civil rights drive.

"I had deep respect for such leaders as Dr. Martin L. King, Roy Wilkins, Farmer, et al. My respect became lukewarm when they began supporting such as Stokley Carmichael, and criticizing American foreign policy, especially as pertains to Vietnam which I support wholeheartedly.

"My respect for these leaders now has become very cold, due to their support of ex-Congressman Adam Clayton Powell. It is hard to believe that men of such training and stature could honestly support a man who not only has been proven to have abused his office and trust, but has also been held, and still is, in contempt of court.

"On top of all this, Mr. Powell's absentee record is among the worst in the history of the U.S. Congress, for other than health reasons. This fact indicates that he did not have the best interest of his constituents at heart.

"The argument that others do what Mr. Powell did is not logical. In the event my neighbor commits a misdeed, does it justify my committing a misdeed? In the event it is proven that other congressmen are guilty of the same breach of ethics then they too should lose their seats.

"The race argument simply does not hold water. On the contrary, I believe that had Mr. Powell been white, he would have been denied his seat years ago. Senator Bilbo from Mississippi was white and he was denied his seat after years of serving in the Senate. The charges against Bilbo were minor compared to the charges against Mr. Powell. Mr. Powell can only blame Mr. Powell for his current problem."

There can be no doubt that many white people have been energetic in advancing the civil-rights cause but, unfortunately, certain Negro leaders shun their participation in some of the major organizations.

The civil-rights movement today in America owes its progress to the activities of persons of all races who wish to see achieved the broad goals of equality of treatment for every citizen irrespective of race. Discrimination is to be deplored, but its practice will not be eliminated by devices that emphasize racial consciousness.

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The Washington Merry-Go-Round

Paranoia Signs Worry Powell Aides

By Drew Pearson
and Jack Anderson

Things have not been going well for Adam Clayton Powell on the sun-kissed island of Bimini. His self-imposed exile in the paradise has begun to pall, and his words to newsmen, "Why go back to Washington when you can enjoy a place like this?" have developed a very hollow ring.

Things have become so difficult that Adam's closest advisers are working feverishly to get him back to New York before he displays in public what they have already seen in private—the signs of developing paranoia.

For a man who once flew all the way to the Bandung Conference in Indonesia to defend the United States against the Chinese Communists and who as chairman of the House Labor and Education Committee passed some of the most important education and labor laws in history, it's a pathetic picture.

"One minute he's pleasant and charming and the next minute he's cutting [illegible] out," confessed one supporter who had flown down to Bimini to help. "That's why they can't get anyone to go down there except the dissidents and the third-partyites. Adam thinks everyone down there is spying on him."

The End of the World Bar has also lost its appeal, and even Corinne Huff, first Negro girl to win the Miss Ohio Beauty contest, who has been living with Adam in South Bimini, appears unhappy.

Adam's Isolation

Part of the trouble is the New York courts. Until it's certain that Adam won't be arrested when he returns, his supporters are trying to keep someone on the island to dispel his sense of isolation and abandonment.

To this end they are sending out [illegible]

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political retaliation — to prominent Negroes around the country to come to Bimini to stand up and be counted as friends of Adam. This, however, has not been easy. Even when Chuck Stone, former editor of the Afro-American and Adam's most faithful staff member, came to Bimini, he was kept waiting 24 hours before Powell would give him a private audience.

To bolster both Adam's public image and his self-reliance, negotiations are under way to get widely respected civil rights leaders, ranging from Philip Randolph of the Sleeping Car Porters' Union to Martin Luther King and Whitney Young of the Urban League, to come to the island. In return Powell would keep his mouth shut — no more TV press conferences showing Adam apparently under the influence of too many scotches.

Some newspapers have reported that Adam is not concerned about the prospects of being arrested if he returns to New York. In Miami, however, when he flew there to have an election paper notarized, he appeared to be very much concerned. He remained at the airport only 20 minutes. If he is arrested, he wants to be tapped in Harlem amid his constituents.

There was a time when Adam didn't give a hoot about his public image. Thumbing his nose at white men made him a hero back in Harlem. But those days have changed.

After front-page newspaper stories featured him with a bosomy fire dancer in the End of the World Bar—pictures which also inspired the wrath of Corinne Huff—Adam was persuaded that he must improve his image.

End of the World

This was what started his series of weekend outdoor sermons on the island. They were attended chiefly by curious American tourists. Few natives came to be converted. To them, Adam was old hat.

At a news conference on the Monday before Palm Sunday Powell distributed palms to a pack of Tallahassee Boy Scouts who had been corralled for the specific purpose of having their picture taken.

When the stage was set for the palm presentation, someone went to the End of the World Bar to tell Adam all was ready. He then came out to Brown's Courtyard to announce that he would enter Harlem the following Sunday just as Jesus entered Jerusalem, triumphant on Palm Sunday—except Adam noted he would not be riding on the foal of an ass.

Shortly thereafter when he heard that the court contempt order would not be revoked, Adam revoked his own plans for returning triumphant to Harlem.

Actually Adam is not having the gay time many people think. Every morning he fishes alone except for the company of his captain. Every afternoon he drinks scotch while playing dominoes in the End of the World Bar. Corinne Huff's nerves appear frayed. She doesn't enjoy having tourists focus their cameras on her and either ducks down in the fishing boat or stays home alone.

Those responsible for clearing the legal road for Adam's return to New York have been warned by close friends that if he remains on the island in the sun too much longer, it may be for Adam truly the end of the world.

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Adam Clayton Powell file

UPI-33

ADD 3 POWELL, WASHINGTON

THE HOUSE ATTORNEYS CLAIMED THAT THE CONSTITUTIONAL PROVISION WHICH STATES THAT EACH HOUSE SHOULD BE THE JUDGE OF THE QUALIFICATIONS OF ITS OWN MEMBERS GIVES THE HOUSE AUTHORITY TO GO BEYOND THE THREE QUALIFICATIONS.

HART SAID BOTH ARGUMENTS HAD MERIT BUT DEEMED IT UNNECESSARY TO DEAL WITH THE QUESTION BECAUSE THE SEPARATION OF POWERS DOCTRINE RULED OUT JURISDICTION ANYWAY.

HE SAID THE ISSUE OF WHETHER THE COURT SHOULD ENTER THE CONTROVERSY WAS "OF SUCH TRANSCENDANT IMPORTANCE THAT ALL OTHER ISSUES IN THE CASE PALE INTO INSIGNIFICANCE."

"THIS ISSUE CONSTITUTES A 'POLITICAL QUESTION'," HART DECLARED. "THE QUESTION FACING THE COURT MAY BE SIMPLY STATED AS FOLLOWS: WOULD CONSIDERATION OF THE COMPLAINT ON THE MERITS AND GRANTING ANY OF THE REQUESTED RELIEF VIOLATE THE DOCTRINE OF 'SEPARATION OF POWERS'?"

UNDER THIS DOCTRINE, ONE BRANCH OF THE GOVERNMENT IS EXPECTED NOT TO INTERFERE WITH THE INTERNAL OPERATIONS OF THE OTHERS.

HART SAID THERE WERE NO PREVIOUS CASES THAT HAVE EVER DEALT DIRECTLY ON THE POINT RAISED BY POWELL. HE SAID HE HAD NOT FOUND ANY CASE IN WHICH ACTION WAS REQUESTED THAT POSED TO THE COURT "WITH SUCH STARK CLARITY THE QUESTION OF SEPARATION OF POWERS BETWEEN THE LEGISLATURE, AS REPRESENTED BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES AND THE FEDERAL JUDICIARY."

POWELL'S LAWYERS HAD CITED AS A RELEVANT CASE THE SUPREME COURT DECISION OVERRULING THE GEORGIA LEGISLATURE LAST YEAR IN ITS REFUSAL TO SEAT NEGRO PACIFIST JULIAN BOND.

BUT HART SAID THAT CASE DIFFERED FROM POWELL'S BECAUSE THE SUPREME COURT HELD THAT THE REFUSAL VIOLATED BOND'S RIGHT TO FREEDOM OF SPEECH GUARANTEED BY THE FIRST AMENDMENT OF THE FEDERAL CONSTITUTION.

"THE BOND CASE DID NOT PRESENT A 'POLITICAL QUESTION' NOR DID IT RAISE THE QUESTION OF SEPARATION OF POWERS BETWEEN THE COORDINATE BRANCHES OF GOVERNMENT," HART WROTE.

HART TRACED THE HISTORY OF THE DOCTRINE OF SEPARATION OF POWERS GOING ALL THE WAY BACK TO ANCIENT GREECE.

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WASHINGTON CAPITAL NEWS SERVICE

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U.S. JUDGE RULES COURTS CAN'T ACT ON POWELL'S SEAT

Separation of Powers Under the Constitution— An Appeal Is Filed

By JOSEPH A. LOFTUS
Special to The New York Times

WASHINGTON, April 7 — A United States District Court judge ruled today that the courts had no right to order the House of Representatives to seat Adam Clayton Powell.

George L. Hart Jr., the judge who heard arguments three days ago on the Manhattan Democrat's petition for an order reversing his exclusion, declared that the doctrine separating the powers of the legislative, executive and judiciary branches prevented the courts from telling the Congress how to operate its internal affairs.

"The doctrine of separation of powers, which developed over a period of two millennia, is firmly embedded in the warp and woof of our Constitution," Judge Hart said.

'Political Quicksand'

The judge added that "for this court to order any member of the House of Representatives of the United States, any [illegible]tives of the United States, any employe of the House to do or not to do an act related to the organization or membership of that house would be for the court to crash through a political thicket into political quicksand."

Judge Hart's sweeping declaration of no jurisdiction struck down the petitions for establishment of a three-judge court to hear arguments and for issuance of a preliminary injunction against the leaders of the House. The establishment of a three-judge court would have allowed an appeal from its decision in the case to go directly to the Supreme Court.

Mr. Powell's lawyers later filed a notice of appeal in the Court of Appeals for the District of Columbia.

[illegible] Mr. Powell, who was barred by a House resolution from the 90th congress for misuse of funds, contempt of New York courts, and other conduct "unworthy of a member," is expected to win re-election to the House in a special election in Harlem next Tuesday. House leaders say that this means the House will take up the question of seating him again.

Mr. Powell's lawyers contend that the House violated the Constitution by excluding him despite the fact that Mr. Powell met the three qualifications named in the Constitution for membership. Those three qualifications are that a person must be at least 25 years of age, have seven years' citizenship and inhabit the state where he was elected.

A Capitol Hill source reported that at least 10 accountants from the Federal Bureau of Investigation were studying vouchers and related records dealing with Mr. Powell's expenditures for travel and other expenses during the six years he was chairman of the Education and Labor Committee.

In his 12-page opinion Judge Hart said he had no clear precedents to guide him. "As to the precise issue in which I deemed to be raised here," he said, "there are no cases directly in point." He added:

"This court has not found a case nor has any been cited to it where the complaint and the relief prayed therein have posed to the court with such stark clarity the question of separation of powers between the legislature, as represented by the House of Representatives of the United States, and the Federal judiciary."

Judge Hart's opinion was completed yesterday afternoon. However, he had read widely the relevant history of the separation doctrine even before hearing oral argument. His opinion reached back to the Greeks seven centuries before Christ to illustrate the theories and development of the governments of free men.

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Some Issues Unresolved

The court left several issues unresolved because he found no necessity to reach them. For example, he said that "the question of whether there is an absolute right in the House of Representatives to determine the qualifications of its own members will not be touched on herein."

The Constitution says that "each House shall be the judge of the elections, returns and qualifications of its own members".

As to whether the House has "correctly interpreted" this provision, the judge said: "The court deems it unnecessary to resolve this question in view of its disposition of the matter of jurisdiction under the doctrine of separation of powers."

Taking up that doctrine, Judge Hart said the whole case raised "one issue of such transcendent importance that all other issues in the case pale into insignificance."

"The question facing the court," he said, "may be simply stated as follows: Would consideration of the complaint on the merits and granting any of the requested relief violate the doctrine of 'separation of powers'?"

Then he took up Bond v. Floyd, in which the Supreme Court last December invalidated a resolution of one branch of the Georgia Legislature excluding Julian Bond after he had criticized U.S. policy in Vietnam.

The Bond case did not present a 'political question,'" Judge Hart said, "nor did it raise the question of separation of powers between coordinate branches of government."

In support of that he quoted the Supreme Court in Baker v. Carr, the 1962 case in which the Court ordered the Tennessee Legislature to reapportion. The Court said there that "it is the relationship between the judiciary and the coordinate branches of the Federal Government, and not the Federal judiciary's relationship to the states, which gives rise to the 'political question.'"

Judge Hart quickly disposed of the issue of the three-judge court. He said that the law provided for such a court when the constitutionality of an "act of Congress" was raised but that the House resolution excluding Mr. Powell was not an act of Congress.

"In any event," he added, "the decision of the court on the motion to dismiss would moot the question of the right of plaintiffs to a three-judge court in the case at bar."

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Appeal Filed In Dismissal Of Powell Suit

By WILLIAM RASHAM
Star Staff Writer

Attorneys for Adam Clayton Powell today asked the U.S. court of Appeals to reverse a lower court decision which last Friday threw out the Harlem Democrat's suit to regain his seat in Congress.

Powell's appeal asks that the court grant a summary reversal of the suit's dismissal by U.S. District Court Judge George L. Hart Jr. and an immediate hearing.

But the appeals court declined to grant an immediate hearing and ruled that attorneys for Congress could have the normal period of five days to answer the appeal.

Powell's attorneys then would have three days to respond and the matter may not be heard until April 19—eight days after tomorrow's special New York election to fill Powell's seat in the 90th Congress.

Last Friday, Hart dismissed Powell's suit, ruling that the doctrine of separation of powers prevented him from finding that a constitutional challenge could be raised against the House resolution which ousted Powell on March 1. Hart refused to convene a special three-judge panel to hear the matter.

Responding to Hart's action, Powell's attorneys said, "We flatly reject and urge upon this court rejection of any unsophisticated approach to the constitutional doctrines of separation of powers and political questions which would completely cut off from judicial remedy violations of constitutional rights such as are here involved."

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House Leaders Huddle on Powell

By ROBERT E. WALSH
Washington Post Staff Writer

Adam Clayton Powell, Democratic powerful Harlem Negro, is huddle today on the problem they reportedly reached no decision on whether to should be seated.

Speaker John W. McCormack indicated that he personally believed the Harlem Democrat should be sworn in if he presents himself at this time with an election certificate.

McCormack refused, however, to say whether he thought the House should then censure or otherwise discipline the Harlem Democrat. He also declined to speculate on whether a majority of House members would be willing to seat Powell under any circumstances.

Margin 86 Pct.

The House voted March 1 to exclude Powell from the 90th Congress. Yesterday, Powell won a lopsided election victory with 86 percent of the vote in the 18th district in Harlem. The handsome congressman is still at his Bimini retreat in the Bahamas and has not revealed his immediate plans.

The conference in McCormack's office was described as mainly an occasion for Bruce Bromley to brief the House leaders and others on the status of Powell's court attempts to force the House to seat him. Bromley, a New York attorney, was retained to represent McCormack and other House members and officers named as defendants in Powell's suit.

Judge George Hart Jr. ruled in District Court here last week against Powell. The U.S. Court of Appeals declined to take immediate action on Powell's appeal.

McCormack said another meeting would be held soon to discuss specific moves "that might be made if and when Powell arrives at the Capitol with a certificate of his election.

Ford Refuses Comment

McCormack added that there has been no word direct or indirect, from Powell or from any Powell spokesman. House Democratic Leader Carl Albert said he had been told unofficially that Powell might not ask to be sworn in immediately but would rest his chances on the outcome of the court cases.

House Republican Leader Gerald R. Ford refused comment about today's meeting and would not say whether he would favor seating Powell, at least as a first step. Rep. Thomas B. Curtis, R-Mo., who sponsored the House resolution which barred Powell from the 90th Congress, told reporters that at the meeting today "we got talked."

Unofficial returns in yesterday's special election gave Powell 37,386 votes to 4,681 for the Republican candidate, Leslie Pinkett Williams and 417 for the third candidate, the Rev. Ervin F. Yearling, a Conservative.

The 86 percent vote was a record for Powell. Last fall he received 74 percent of 61,327 votes cast. In the 1964 general election he took 88 percent of 111,612 ballots cast.

There was little surprise at the outcome in Harlem, where community leaders have said that the House decision barring Powell was a racially motivated [illegible] Powell's constituents [illegible] any circumstances [illegible] get [illegible] by [illegible]

"Another [illegible] from the people to go [illegible] about [illegible] every time we need it," said Democratic campaign chairman L. Joseph Overton.

At his Bimini retreat Powell relaxed, napped, and then watched television as election returns began to come in. For a while, he kept tab on the voting by ship-to-shore telephone from his host, "Adam's Fancy."

This morning, Powell issued a statement which said:

"The overwhelming vote displays my faith in the people of my district - and the Democratic process.

"I must state as vigorously as I can that there will be no [illegible] Congressman Curtis, D-Mass., [illegible] duly told newsmen no matter [illegible] procedures would [illegible] said it is known what [illegible] will be offered when [illegible] down up to take the oath [illegible] office.

"There is still an appeal [illegible] against a U.S. District Court [illegible] not to interfere with [illegible] action, and Senate Minority Leader Gerald Ford, [illegible], said yesterday Powell may not present himself to [illegible] the oath until the case has been carried through the U.S. Supreme Court.

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Powell Wins; Harlem Loses 34

NOBODY really could say with any accuracy what was in the minds of some 30,000 Harlem voters Tuesday when an overwhelming majority of those who went to the polls, cast ballots for Adam Clayton Powell.

Maybe they simply felt put upon by having their man refused a seat in the House where he had sat 22 years. Maybe they didn't think they had a real alternative in the other candidates. Maybe they merely were mesmerized by the mercurial behavior of Rep. Powell.

In any case it is not likely another congressional district in the land would have voted to re-elect its congressman in the circumstances, given the same behavior, the same censure by the House of Representatives.

The theme that the people of Harlem are entitled to representation in Congress got a good play. They are so entitled — that's fundamental. (So are the people in the District of Columbia, but they never have had it.)

But if they didn't insist on Rep. Powell they would have a representative. With him out of the picture they might get a much better one. They knew the reasons the House declined to accept him — one of those reasons has changed since he was rejected. The district is not being denied representation; it simply has been told that the House, exercising its constitutional obligation, could not in conscience accept Rep. Powell.

The vote in Tuesday's special election was a lopsided (86 per cent) in favor of Rep. Powell. But it did not register any ringing, overpowering zeal in his behalf. He polled only 27,000 votes, as against the 45,300 he had in 1966 and 94,300 in 1964. Nearly three-fourths of the eligible voters didn't go to the polls at all.

It hardly can be read as a thundering mandate.

In addition, the rest of the country — by the March 1 vote in the House, by public opinion polls, by the mail to Washington — has made it quite clear it objects to Rep. Powell in the House. And a congressman doesn't act on local affairs only; he takes part in national policy.

Moreover Rep. Powell has not purged himself of the charges against him.

Viewed in perspective, the Tuesday vote in Harlem does not at all obligate the House to change its decision of March 1.

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Adam Clayton Powell

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UPI-13
(POWELL)
WASHINGTON--CONFUSION REIGNED IN THE ADAM CLAYTON POWELL-VERSUS-CONGRESS CASE TODAY WITH BOTH SIDES TRYING TO GUESS WHAT THE OTHER WAS UP TO. NEITHER SEEMED TO BE HAVING MUCH SUCCESS.

HOUSE LEADERS AND SOME KEY MEMBERS WERE SEARCHING FOR A WAY TO BRING THE 3-1/2-MONTH-OLD CONTROVERSY TO AN END.

COMPLICATING THEIR TASK WAS THE FACT THAT THEY DIDN'T KNOW WHEN, OR IF, POWELL WOULD SHOW UP TO CLAIM THE HOUSE SEAT HE WON IN A SPECIAL ELECTION THIS WEEK.

POWELL'S ASSOCIATES WERE NO BETTER OFF. THEY HAD RECEIVED NO WORD FROM BIMINI, AS TO JUST WHAT HE PLANNED TO DO.

ONE FACTION IN THE POWELL CAMP WANTS THE 58-YEAR-OLD NEGRO PREACHER-POLITICIAN TO RETURN TO WASHINGTON IMMEDIATELY FOR A "CONFRONTATION" WITH THE HOUSE.

BUT ANOTHER CONTENGENT WANTS HIM TO DELAY HIS RETURN SO THAT THE HOUSE LEADERSHIP AND OTHERS CAN LINE UP SUPPORT FOR HIS SEATING. THE FEELING IS THAT IT WOULD BE BETTER TO GET HIM BACK IN CONGRESS THAN TO ATTEMPT TO BREAK NEW LEGAL GROUND.

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POWELL REELECTED 47

To the universal astonishment (that's sarcasm, baby), Adam Clayton (Keep the Faith, Baby) Powell was overwhelmingly reelected Tuesday in Harlem to the seat which the House of Representatives denied him last March 1 for gross misconduct in office.

It is now up to the House to make the next move.

The smart next move by all odds would seem to be to let Powell take the seat this time, and hit him with as scorchful a censure resolution as several of the House's best handlers of the English language can put together.

Bar him again, and he'll only get himself reelected again; and so on, as we Latin experts say, *ad infinitum*.

If the House wants to be made to look futile, feckless and foolish in that manner, the House collectively is a good deal less wise than most of us suppose.

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Adam Loses Appeal on Arrest

After a five-minute hearing, the U. S. Circuit Court of Appeals denied a stay yesterday in enforcement of the contempt of court arrest order against Rep.-elect Adam Clayton Powell Jr.

Before Chief Judge J. Edward Lumbard announced the denial, Judge Irving Kaufman told Powell's lawyer a stay would upset the "status quo" of the legal cases instead of preserving it during appeals.

"He's now fighting for his political life in Washington, and his constituents want access to him here," argued William H. Kunstler, counsel for about 90 Harlem residents.

The group previously had failed to enjoin the state order of commitment of Nov. 28, 1966, for Powell's arrest. The Court of Appeals move was the latest in a series of legal actions seeking to remove the arrest threat as an unconstitutional denial of normal communication between a Congressman and his constituents.

Kunstler and three other lawyers claimed in papers that the two civil suits related to the commitment order have been resolved. They asserted that the judgment in a Harlem woman's slander action had been "fully paid," while the judgment in another case has been reversed.

According to the lawyers, the stay would "prevent the electoral process from being regarded as a mockery by the Negro inhabitants of the 18th Congressional District."

Washington, April 20 (UPI) — The U.S. Court of Appeals has scheduled a hearing April 27 on Adam Clayton Powell's suit to regains his House seat.

Powell's New York ex-colleagues agreed to meet the same day to see what, if anything, could be done to seat the once-barred but now-reelected lawmaker from Harlem.

The separate actions pointed toward possible early showdowns both on Powell's court challenge and his hope to be seated on the strength of a new election certificate. He was barried from the House on grounds of abusing payroll and travel accounts.

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Right to Exclude Powell Again Asserted by House

By LYLE DENN
Post Staff Writer

The House today renewed its [illegible] that federal courts should [illegible] out of [illegible] dispute with Adam Clayton Powell.

No court has power even to look into the House vote last March excluding the Harlem Democrat from his seat, leaders of the House said in a legal brief filed at the U.S. Court of Appeals here.

The brief contained the House's written arguments against the ex-congressman's attempt to regain his seat as representative of New York's 18th District.

Last April, U.S. District Judge George L. Hart threw out Powell's challenge to the House. The former lawmaker is appealing that result.

Today, the House's lawyers spent little effort arguing the rightness of the vote to bar Powell from membership. Instead, they emphasized their argument that the House simply could not be challenged in court for what it had done.

Claiming that the Constitution gives the House sole power to judge the qualifications of members, the brief declared:

"Even if the House had acted unconstitutionally in this case (which it did not) the power to 'judge' . . . necessarily includes the power to judge erroneously, and perhaps even unconstitutionally."

The House leaders argued that the Supreme Court has already ruled, in effect, that lower federal courts should "halt the further prosecution of this action."

That plea was based on a Supreme Court decision May 15. The ruling, in the case not related directly to the Powell lawsuit, held that members of Congress are immune to legal challenges aimed at their official legislative actions.

The House denied one of the main claims being made by Powell's lawyers: that the House excluded him because he is a Negro.

"Mr. Powell was excluded for the reasons stated in House Resolution 278, and for no other reasons," the House leadership contended. The stated reasons were Powell's alleged misuse of House funds and his refusal to obey New York State court orders.

Courts have no power to "probe into the motivations that led each member to vote as he did," the House contended.

The House's key argument against Powell's court challenge was based on the Constitution's "speech or debate clause," which says that members of Congress "shall not be questioned in any other place" for any "speech or debate in either house."

Powell's lawsuit, the House said, seeks "not merely to question the actions of the members of the House, but would go further and have the court instruct and command the votes of the members by compelling the members to admit Mr. Powell to membership. . . ."

The leadership argued that, if federal courts did review the House action against Powell, they still would have no power to do anything about it.

If a court tried to issue an injunction requiring the House to seat Powell, that would be "unenforceable," the House contended.

A court could not even issue a "writ of mandamus," requiring the House to act in a particular way, because the House has "no ministerial duty" that it can be required to carry out, the leaders said.

And, finally, the House said, a court could not issue a "declaratory judgment" against the House, because that would be "an impermissible advisory opinion" since there is "no possibility of relief" under such a judgment.

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UPI-137

(POWELL)

LOS ANGELES--ADAM CLAYTON POWELL, THE STILLED VOICE OF HARLEM IN CONGRESS, TODAY TOURED SOUTHWEST LOS ANGELES--SCENE OF THE WATTS RIOT--TO EXHORT HIS "SOUL BROTHERS AND SOUL SISTERS" TO WALK, TALK, PRAY AND FIGHT TOGETHER.

POWELL WAS ABOUT 40 MINUTES LATE FOR HIS RENDEZVOUS WITH NEWSMEN AND SOME 300 PERSONS WHO SURGED FORWARD TO MEET HIM IN A PARKING LOT ABOUT FIVE MILES FROM DOWNTOWN LOS ANGELES.

HE CLAMBERED ONTO THE ROOF OF A PICKUP TRUCK, WHERE HE DOFFED HIS JACKET, LOOSENED HIS TIE AND UNBUTTONED HIS SHIRT FOR AN IMPROMPTU ADDRESS.

"I CAME HERE NOT TO MAKE A SPEECH," POWELL SAID, "I CAME HERE TO TALK WITH MY SOUL BROTHERS AND SOUL SISTERS."

THE SECOND CIVIL WAR AND THE BLACK REVOLUTION WERE "BORN HERE," POWELL TOLD THE CHEERING AUDIENCE.

"WE HAVE NOT THE DEMOCRACY WE USED TO HAVE," POWELL SAID. "WE HAVE A DEMOCRACY FOR THE UPPER CLASS, BLACK AND WHITE. WE HAVE A DEMOCRACY FOR THE UNCLE TOMS AND AUNT JEMIMAS."

THE CROWD RESPONDED WITH YELLS OF, "YOU TELL 'EM, ADAM!"

"WE ARE THE BACKBONE OF THE DEMOCRACY," POWELL CONTINUED. "WE ARE THE SALT OF THE EARTH."

APPARENTLY REFERRING TO THE 1965 RIOT, POWELL TOLD THE AUDIENCE: "DON'T BE ASHAMED FOR WHAT YOU HAVE DONE. DON'T BE AFRAID. LOOK WHAT THEY'RE TRYING TO DO TO ME? (EXCLUDED HIM FROM CONGRESS AND THREATENED HIM WITH ARREST ON A CIVIL MATTER IN NEW YORK CITY). IF THEY CAN DO IT TO ME, WHAT CAN THEY DO TO YOU, JOHN JONES?" HE SAID, POINTING TO A NEGRO IN THE CROWD.

"LET US WALK TOGETHER, TALK TOGETHER, PRAY TOGETHER AND FIGHT TOGETHER," POWELL URGED HIS CHEERING LISTENERS.

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Congress Cuts Racial Gains, Powell Says in Los Angeles

By The Associated Press

LOS ANGELES (AP) — Adam Clayton Powell says Congress has reversed its position on civil rights since his expulsion from the House of Representatives March 1. He says it is now cutting away earlier civil rights gains.

Powell, making his third known trip to the United States since his self-imposed exile in the Bahamas in late 1966, said he would kick off his tour with a walk today through Watts, Los Angeles' primarily Negro district, "to meet with all my soul brothers."

The 59-year-old Powell, from New York's Harlem district, still faces arrest on criminal contempt charges stemming from his failure to pay a libel judgment against him. He won a 1967 special election but did not claim his seat in Congress.

Powell said he was here on a speaking tour that will take him to 14 colleges across the country. He said he would not return to New York because he was "a victim of that obscene, illegal court order."

Powell also said he feared riots if he was arrested in New York, where he is pastor of the Abyssinian Baptist church.

At a news conference following a flight from Miami last night, Powell said he had been instrumental in obtaining "jobs and education for poor whites and poor blacks." Now, he said, Congress is "cutting that away as fast as it can."

He said the United States is now "engaged in a second Civil War" and that he plans speeches on "the black revolution."

The passage of civil rights laws, Powell said, "hasn't meant anything. There were two riots in Watts and it didn't improve one bit — except for one nice picnic." He apparently referred to last summer's Watts Festival.

Would Have More Die

"The United States became a republic" Powell said, "because a black man was killed on the Boston Commons. And it just might be necessary that we recover our democratic spirit by having a few more people die."

He said he would meet next week in Bimini, his home in the Bahamas, with his attorney, Edward Bennett Williams, to plan legal action against Congress and the courts.

He said he was asking the federal courts "to rule on the law and not on racism" in his case.

Asked about his next move against Congress, Powell said:

"When the legal angles have all been exhausted before all the courts in New York, the District of Columbia and the Supreme Court, and I still don't think justice has been done, then I'm going to blow the whistle on Congress." Since being ousted for misusing government funds, Powell has said that other Congressmen misused funds.

Powell said he would talk at the University of California at Los Angeles tomorrow. Later talks are scheduled at the University of Michigan, Duke, the University of Florida and other colleges and universities, he said.

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Adam Clayton Powell arrives in Los Angeles. —Associated Press

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Powell Cheered on Walk Through Watts

LOS ANGELES, Jan. 9 (AP) — Adam Clayton Powell, surrounded by throngs of cheering admirers, took a fast-paced, three-mile walk in Watts today after telling hundreds of Negroes:

"History is going to record that the second Civil War and the beginning of the black revolution was born here."

Applause and cheers greeted this prediction to the open-air crowd at the start of his hectic afternoon's schedule. Shirt-sleeved and with his necktie untied, the Harlem clergyman, deprived by the House of his congressional seat last March, climbed back into a tan sedan and drove 40 blocks farther south to start his hike.

Powell flew to Los Angeles late Monday from the Bahamas via Miami. He said he will speak on what he called the black revolution at 14 colleges and universities starting Wednesday at UCLA.

In today's outdoor talk, from an open automobile in a vacant lot, Powell said: "I've come here to talk to my soul brothers and soul sisters."

The Watts walk then started at Broadway and Manchester Avenue on the edge of the South Central Los Angeles district ravaged by Negro riots in August, 1965.

The 59-year-old Powell swung along in stride with about 10 young Negro supporters, two of whom held hands clasped behind his back.

Smiling and waving, he called "Keep the faith, Baby" and "Keep the faith, brother." Knots and crowds of Negroes on sidewalks or in passing automobiles cheered him back.

At 103d Street "Charcoal Alley" of the riots, with vacant lots on the site of burned-out buildings, Powell entered a red panel truck that had been following him, laden with whistling, cheering young Negroes.

So many clambered aboard that Powell reverted to foot for the walk along 103d.

The crowd became a traffic-stopping jam. One exuberant young Negro hurled himself at Powell in a flying tackle, wrapping his arms around the visitor and kissing him fustily on the cheek.

Possibly to soothe such outbursts, Powell stopped part way through "Charcoal Alley" and raised his hand. He called for "a moment of silent prayer in memory of our soul brothers and sisters who died here."

The moment was accorded him.

In the brief, pre-hike speech, scowling and gesticulating, he said:

"We have not the democracy today that we used to have. It's a democracy for the upper class, white and black. It's a democracy for the privileged, the Uncle Toms and Aunt Jemimas.

There were cheers and applause.

"We're not going to have the kind of America we should have," Powell said, "until they recognize that people like you are the backbone of what once was America."

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Times Herald A7
The Washington Daily News
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Daily News (New York)
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The National Observer
People's World
Date JAN 10 1968

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United Press International

An admiring throng surrounds Adam Clayton Powell as he tours Watts.

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UPI-144

(POWELL)

LOS ANGELES--ADAM CLAYTON POWELL TODAY URGED YOUNG WHITE PERSONS TO JOIN THE BLACK POWER MOVEMENT AND SAVE AMERICA, WHICH HE DESCRIBED AS "A SICK SOCIETY."

THE FORMER HARLEM CONGRESSMAN, ADDRESSED A CROWD OF ABOUT 6,000 STUDENTS AT UCLA IN PAULEY PAVILION.

HIS REMARKS WERE DIRECTED MAINLY AT WHITE STUDENTS WHO PREDOMINATED AT THE GATHERING.

THERE WAS A SOLID BLOCK OF SEVERAL HUNDRED NEGRO STUDENTS SITTING BEHIND A LARGE SIGN WHICH READ, "UCLA BLACK STUDENTS UNION WELCOMES BROTHER POWELL."

POWELL, NATTILY DRESSED IN A BLUE SUIT WITH MATCHING SHIRT AND TIE, STOOD AT A PODIUM ON THE BASKETBALL COURT AND SPEAKING DIRECTLY TO THE WHITE STUDENTS SAID:

"ABRAHAM LINCOLN FREED THE SLAVES SUPPOSEDLY WITH A STROKE OF THE PEN, BUT WE'RE GOING TO FREE YOU. THE SMOLDERING RESENTMENT IN THE GHETTOES OF AMERICA IS NOT A MONOPOLY WITH YOUNG BLACK PEOPLE. THEY JUST HAVE THE GUTS TO GET WITH IT.

"YOU ARE VICTIMS OF WHAT I CALL THE CULT OF MEDIOCRITY. IF YOU TRY TO BREAK FROM THAT, MR. WHITE MAN AND MISS WHITE GIRL, THEY'RE GOING TO THROW YOU BACK."

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WASHINGTON CAPITAL NEWS SERVICE

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UPI-23
(POWELL)
SAN DIEGO, CALIF.--ADM CLAYTON POWELL TODAY PRESSED HIS RECRUITMENT OF YOUNG WHITE STUDENTS TO ENLIST AS SOLDIERS IN HIS "SECOND CIVIL WAR," WHICH HE CALLS THE "BLACK REVOLUTION."
THE HARLEM DEMOCRAT FLEW HERE FOR APPEARANCES AT SAN DIEGO STATE COLLEGE AND SAN DIEGO JUNIOR COLLEGE.
POWELL BEGAN A NATIONWIDE COLLEGE SPEAKING TOUR YESTERDAY BEFORE A CROWD OF ABOUT 6,000 STUDENTS AT THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES. HE DIRECTED HIS REMARKS MAINLY TO THE WHITE STUDENTS WHO PREDOMINATED IN THE AUDIENCE.
"I KNOW YOU WHITE BOYS AND GIRLS ARE FRUSTRATED. YOU NEED SOMETHING TO MOVE YOU," POWELL SAID. "I CHALLENGE YOU BRIGHT YOUNG PEOPLE TO BREAK FROM THE CULT OF MEDIOCRITY. I CHALLENGE YOU TO JOIN THE BLACK REVOLUTION."
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WASHINGTON CAPITAL NEWS SERVICE

6-19 (Rev. 7-27-67)

Powell Bids Whites Join Revolution

Los Angeles Times

LOS ANGELES, Jan. 10—Adam Clayton Powell addressed about 6000 students at UCLA today and urged white students to "join the black revolution."

The ousted Harlem congressman spoke to an audience about equally divided between white and Negro students.

"I challenge you bright young people to break from the cult of mediocrity," he said. "I challenge you to join the black revolution.

"I know you white boys and girls are frustrated. You need something to move you."

Powell received a standing ovation when he declared, "One day you are going to say this man Powell is our man and he doesn't belong with those senile people in Washington."

Powell entered the pavilion in the company of UCLA basketball star Lew Alcindor and Arthur Ivy, chairman of the Black Students Union at UCLA.

He told the students that the black people are "in the process of saving this country from itself."

Speaking directly to the white students, he declared: "If you young white people don't develop leadership like we have, you have lost your confidence in your country and parents."

He identified Negro leaders as H. Rap Brown, Stockely Carmichael and Floyd McKissick.

"We are a new breed of cats," he said. "We are finished with 400 years of deprivation. We are insisting on full equality now."

He called Black Power the "saving grace of the United States."

Associated Press

Adam Clayton Powell at UCLA: "We're new breed of cats."

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The Washington Post
Times Herald A-34
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The Evening Star (Washington)
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The Worker
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The Wall Street Journal
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Cool Powell Feels Chill at Berkeley

By David S. Broder A2
Washington Post Staff Writer

BERKELEY, Calif., Jan. 13—Adam Clayton Powell, the expatriate ex-Congressman from Harlem, fell victim today to the generation gap.

He brought his barnstorming college tour to that great arena of dissent—the open-air "free speech" plaza on the University of California campus—and presented himself to several thousand students as the "soul brother" of Mario Savio, H. Rap Brown, Stokely Carmichael, Dr. Benjamin Spock and others in the pantheon of the protest movement.

But the kids simply didn't dig.

[Confined later to his room by 'flu and exhaustion, Powell canceled two of three scheduled college appearances, but hoped to be well enough to preach at a San Francisco church on Sunday.

[At San Francisco State College, a spokesman for the Black Student Union—Jerry Vernardo—had said Powell's appearance there was canceled because white students would not move out of the first five rows of the auditorium. But another official said that Powell was not aware of this controversy when he decided to cancel.]

In his Berkeley appearance, Capitol Hill's most famous swinger, who now styles himself "the Old Man of the Sea," came on as a martyr of the racial struggle, an earlier-day militant who was bounced from Congress "without one bit of proof," because of his race, while Sen. Thomas J. Dodd (D-Conn.) was let off with only a reprimand.

He told the militants in the audience to "keep fighting," and added, "Jesus said turn your other cheek. But I say after you've done that, kick the hell out of them."

He tried valiantly to tailor his message to the youthful audience with hip talk, with knowing references to current campus causes, and with a couple of stray shots at the Vietnam war. It was the last subject that won him his only warm applause.

At one point he [illegible] challenge you to create an America in which there will be no difference between a Powell and a Dodd." The peroration did not inspire a single clap.

One coed remarked: "He's cute but he's just a publicity seeker."

The cool audience reaction could have stemmed from the Bimini tan, the Hollywood blue shirt and knit black tie and the elegantly brandished cigar—hardly the aspect of a victim of discrimination.

Powell argued for black power, which many of the students support. But Powell's claim for black power was this: "Of all the heart transplants that have taken place, the only one that's still living has a black heart in him. If that cat ever gets out of the hospital he'll join SNCC."

Stresses His Age

Powell resolutely insisted on stressing his age, telling the students "how much it means to an old man like me who will be 60 next birthday to have you come out."

Berkeley is tolerant of many eccentricities, but not of old age. Powell said toward the end of his talk, "You young people are frustrated with your preachers, your politicians and your parents, who have created this decadent society in which we live."

What chilled it for Powell this sunny afternoon was that every student in the crowd knew he was all three—preacher, politician and parent.

The Washington Post
Times Herald A2
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
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TOP CLIPPING
DATED 1-13-68
FROM Wash. Daily News
(PUT IN CASE FILE AND INITIAL)

Adam Clayton Powell addresses a crowd of around thousand in the "Free Speech" area of the University of California.

6-16 (Rev. 9-27-67)

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Weary Powell Cancels His Tour

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SAN FRANCISCO, Jan. 13 (UPI) — Adam Clayton Powell stayed in seclusion at his hotel today suffering from flu and exhaustion while a controversy developed in Los Angeles over an alleged unpaid motel bill.

Powell canceled the rest of his scheduled 14-campus lecture tour. He was unable to fulfill speaking engagements at San Francisco State College and Stanford University yesterday after urging 4000 students at the University of California in Berkeley to join in a black revolution.

An aide said Powell would remain in bed at the Jack Tar Hotel in San Francisco until he returns to a self-imposed exile in Bimini "sometime next week."

The aide said the former New York congressman, denied his seat by House members for alleged misuse of funds, would preach at a Baptist Church in one of San Francisco's predominantly Negro areas tomorrow. Powell is a Baptist minister.

It was revealed yesterday that the Bel-Air Sands Motor Inn in Los Angeles, where Powell's party stayed for three nights earlier this week, billed the University of California at Los Angeles approximately $800. This included cost of Powell's suite and two adjoining rooms, buffets of $72 and $82, phone calls and miscellaneous food and beverages.

Powell's suite and the rooms were registered in another name. A UCLA official said the bill would be forwarded to Powell's address in the Bahamas. He disclosed that UCLA paid Powell $1,250 for various campus appearances, including an unscheduled two-hour colloquium on black power.

"We hosted the man and wined and dined him more than I thought was necessary," said one UCLA source who preferred to remain anonymous, "but he seemed to expect even more."

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Adam Clayton Powell's last speech before his collapse was this one yesterday at the University of California in Berkeley, where he told 4000 students "you are a new breed of cats" and urged young White radicals to "start following black leadership . . . and maybe one day some of us may call you soul brothers and soul sisters, too." Audience enthusiasm appeared quite low; the cost of having Powell quite high.

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WITH POWELL

LOS ANGELES (UPI)--ADAM CLAYTON POWELL AND THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES CAME TO TERMS TODAY OVER A DISPUTED MOTEL BILL.

THE UNIVERSITY INDICATED IT WAS A $500 MISUNDERSTANDING AND THAT UCLA WOULD PICK UP THE TAB FOR THE OUSTED HARLEM CONGRESSMAN'S THREE-DAY STAY AT THE PLUSH BEL AIR SANDS MOTOR INN NEAR THE CAMPUS.

DALE SPICKLER, PROGRAM AND ACTIVITIES MANAGER FOR THE ASSOCIATED STUDENTS OF UCLA, WHICH HOSTED POWELL'S CAMPUS APPEARANCE LAST WEEK, SAID POWELL APPARENTLY "MISREAD AND MISINTERPRETED" A LETTER WHICH OFFERED HIM A $1,250 HONORARIUM, INCLUDING EXPENSES.

AFTER POWELL LEFT LOS ANGELES WEDNESDAY, THE ORGANIZATION RECEIVED A $500 BILL FROM THE MOTEL FOR POWELL'S SUITE, TWO ADJOINING ROOMS, TELEPHONE CALLS, FOOD AND BEVERAGES.

IN SAN FRANCISCO, POWELL TOLD NEWSMEN HE HAD NOT BEEN OFFICIALLY REGISTERED AT THE MOTEL, AND UNDERSTOOD HE WAS A GUEST OF THE STUDENT BODY. HE SAID, "I DID NOT SIGN A CHECK OR A VOUCHER. I DID NOT KNOW ANYTHING ABOUT IT."

ALTHOUGH A UCLA SPOKESMAN AT FIRST INDICATED THE BILL WOULD BE FORWARDED TO POWELL, SPICKLER SAID TODAY "ORDERS FOR PAYING" THE BILL HAD BEEN COMPLETED AND IT WAS "HIGHLY UNLIKELY" POWELL WOULD BE ASKED TO REIMBURSE THE STUDENTS. HE SAID ALL NEGOTIATIONS WITH THE FORMER CONGRESSMAN OVER THE MISUNDERSTANDING WERE AMICABLE.

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WASHINGTON CAPITAL NEWS SERVICE

Martin Luther King, civil rights leader, visited [redacted] Joan Baez at the Santa Rita prison farm in California where she is serving 45 days for anti-draft activities. Rev. King said he made the special trip because Miss Baez "helped me so much in the South."

Adam's troubles have resumed now that he's left his Eden — in the Bahamas. Powell, who spoke last week at the University of California at Los Angeles, spent three days at a plush hotel and left, thinking the university would pick up the tab. The University didn't think so but has agreed to pay after first saying it would bill the ousted Harlem legislator, who is returning to the Bahamas.

Adam Clayton Powell

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Powell Waits Out Fate

Pretenders to Harlem Throne Multiply

By Leroy F. Aarons
Washington Post Staff Writer

NEW YORK, Feb. 10—One night, ten months ago, the second-floor clubhouse at 7th Avenue and 145th Street was rocking. Adam Clayton Powell had just won—in absentia—an overwhelming special election victory over a sacrificial Republican candidate.

Members of the Alfred E. Isaac Democratic Club, Powell's political headquarters, had cause to be jubilant. They were convinced that Powell's constituency, symbolic of black people throughout the country, had reaffirmed the unanimity of Negroes against a racist plot to exclude the black man from the power centers of the Establishment.

Moreover, the campaign, listless and predictable, nonetheless brought into unprecedented harmony rival politicians, churchmen and Black Power advocates in Powell's 18th Congressional District.

Nearly a year later, Powell is still on Bimini. He is still barred from his seat of 22 years in Congress and shorn of his powerful role as Chairman of the House Education and Labor committee. He has yet to venture into Harlem for fear he will be arrested on a contempt citation growing out of a libel case. He is waiting to hear from the U.S. Circuit Court of Appeals in Washington on his fate in Congress and from the U.S. District Court on a possible indictment for fraud.

What's more, the tentious alliance which supported him aggressively a year ago is showing signs of strain. With another Congressional election due this year (for which candidate petitions begin circulating in less than two months the potential pretenders to the Powell throne are proliferating. A growing restiveness exists among the 480,000 disenfranchised voters of Powell's district—who will mark a year of non-representation March-1.

"The people in the community want Adam to come back," said a militant leader in Harlem. "They feel it's too long to go without representation. Last year at this time, the talk was all in favor of Powell. But the lapse of time has brought a change. The people are tired of being without a Congressman."

Support Is Iffy

Does Harlem still support Adam Powell? The answer is clouded with "ifs." The consensus is almost unanimous among both politicians and non-politicians that should Powell return to Harlem and declare his candidacy, nothing or no one would dare oppose him.

But there is less agreement on what would happen if Powell should try once again to run in absentia. However, no one seems willing to act until Powell's plans are know.

"Anybody who sticks his neck out prematurely is crazy," says a respected observer of Harlem affairs. "People who have done it in the past got washed off the political scene by Powell. In hard-core Harlem politics what is being said is they don't really support Powell, but they want somebody else—the courts, Congress, Powell himself to take the initiative. They resent the fact he's away from the community, but the question is who is going to make the first move."

Everybody "In Gear"

Thus, the overriding mood in the 18th District is one of watchful—and nervous—waiting. Should Powell decide to call it quits, the lethargic Harlem political scene would become energized.

"Everybody is in gear," said Lloyd Bon Vlaine, politically savvy proprietor of Frank's Restaurant, which is conducting a poll on Powell successors. "All you have to do is turn the ignition on."

Von Blaine didn't have to list the contestants. At least a dozen names of Democratic and Republican "non-candidates" have found their way into Negro and general press columns here.

Among the Democrats most prominently mentioned are State Sen. Basil A. Paterson, Assemblyman Charles B. Rangel, Floyd McKissick, national director of Core, Livingston Wingate, former head of Haryou, Harlem's anti-poverty agency, and Joseph Overton, head of the

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the new breed, spurred by civil rights and anti-poverty movements. Their contingencies are young, militant and largely unaffiliated.

The contest between these two factions, should one develop, could reveal a great deal about the dynamics of power in Harlem.

The clubhouse system, long the touchstone of Harlem political power, has Negro American Labor Committee.

Republicans mentioned include William H. Booth (whose name is circulating despite the fact he has indicated an interest in running in Queens) and James Meredith, the only one of all those named who has openly declared for the race. Booth is chairman of the city Human Rights Commission. Meredith integrated the University of Mississippi.

Party Fight Likely

The race for the Democratic nomination—tantamount to victory in the 85 per cent Democratic 18th District—could be extremely interesting.

Paterson and Badgel came up through the traditional clubhouse circuit and, presuming one of them were a candidate, he would certainly work through the regular party structure.

McKissick and Wingate, on the other hand, are of been badly eroded by the absence of Powell and the virtual retirement of Ray Jones, influential former New York County Democratic leader. Except perhaps for Percy Sutton, Manhattan Borough president, who is more interested in protecting a State-wide image than being pegged a Harlem politican, there is now no individual with the stature to transcend the internicine bickerings within and between clubhouse districts in Powell's territory.

Patronage Ebbs

Moreover, with Republicans in control of both the city and state, the patronage power once commanded by the Democratic clubs has largely dissipated.

Still, the Harlem clubs wield great strength through years of identification with the community, not to mention the vote-getting power of a vast system of precinct captains and party workers.

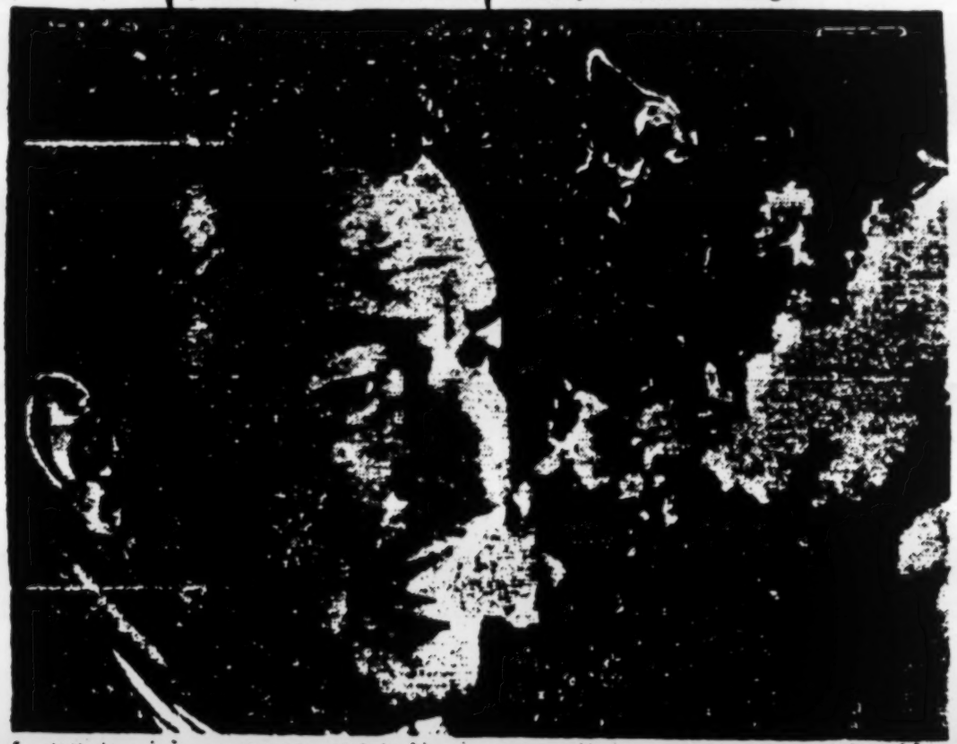
Few seasoned observers believe an "outsider" could upset this advantage.

Roy Innis, although a political novice, thinks he can. Innis, a bearded, very bright young man who moved quickly through the hierarchy of Core to become associate director of the national organization, is pushing for the candidacy of Floyd McKissick, should Powell not run.

"Powell is a national figure and the 18th a national seat," Innis said. "Harlem is symbolic of the black man everywhere. You need a national figure, and McKissick is the only national figure available."

McKissick is reportedly reluctant to run, but Innis believes he can be convinced. He also believes that McKissick, a relative newcomer to Harlem, could defeat the "clubhouse boys" in a primary or a general election, if necessary.

A final imponderable, of course, is who Powell might [illegible] to succeed as his successor. He and McKissick have similar views on many things. And, one visitor to Bimini reports that Powell has said nice things about William Booth, a Republican. Stranger things have happened in the course of Powell's unpredictable career.



As ousted Congressman Powell smokes in exile, his constituents fume at home.

6-30 (Rev. 7-27-67)

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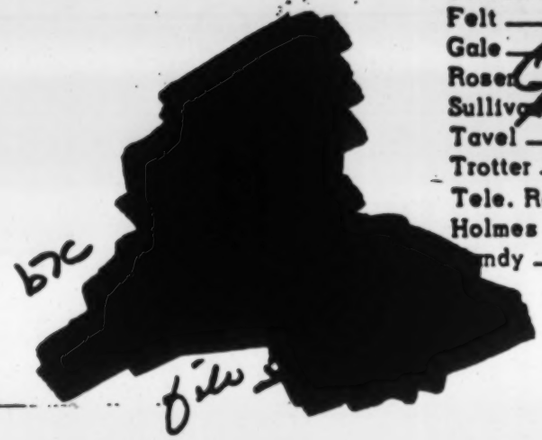

UPI-111
(POWELL)

NEW YORK--ADAM CLAYTON POWELL, HOME AFTER ALMOST TWO YEARS IN EXILE IN THE BAHAMAS, TOURED HARLEM IN A DRIVING RAIN TODAY AND TOLD CHEERING CROWDS "THE NONVIOLENT DAYS ARE OVER."

"THEY'VE NEVER SEEN A SCENE LIKE THEY'RE GONNA HAVE IF THEY TRY TO TOUCH BIG DADDY," SAID POWELL, TIELESS AND WITH RAIN RUNNING DOWN HIS FACE.

POWELL RETURNED TO NEW YORK FOR THE FIRST TIME IN 18 MONTHS FRIDAY NIGHT AND SURRENDERED TO A SHERIFF ON CRIMINAL CONTEMPT CHARGES. HE WAS PAROLED ALMOST IMMEDIATELY BY A JUDGE AND LATER MOBBED BY HUNDREDS OF FOLLOWERS AT A DEMOCRATIC PARTY DANCE IN HARLEM.

TODAY, HE ADDRESSED A RALLY IN FRONT OF THE OLD ST. THERESA HOTEL AT THE CORNER OF 125TH ST. AND SEVENTH AVE. THE HOTEL IS BEING CONVERTED INTO AN OFFICE BUILDING.

HE TOLD THE THRONG OF SEVERAL HUNDRED THAT "I AM NO LONGER MARTIN LUTHER KING SAYING "WE SHALL OVERCOME."

"I DON'T CALL FOR ANY VIOLENCE AND I DON'T CALL FOR ANY RIOTS BUT THE NONVIOLENT DAYS ARE OVER AND IF WE MUST DIE LET US NOT DIE LIKE HOGS IN SOME INGLORIOUS SPOT," POWELL SHOUTED.

"BLACK POWER!" CAME A CHANT FROM THE CROWD. "ADAMS'S BACK! ADAM'S BACK!"

"I'M ALMOST BEGINNING TO LOSE FAITH," SAID POWELL, WHO WAS HOLDING A COPY OF THE RECENT REPORT OF THE PRESIDENT'S COMMISSION ON RIOTS.

"KEEP THE FAITH! KEEP THE FAITH!" THE CROWD YELLED BACK. "FIGHT!"

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WASHINGTON CAPITAL NEWS SERVICE

SOME MEMBERS OF THE CROWD WORE "KEEP THE FAITH" BUTTONS AND ONE CARRIED A PLACARD READING "WELCOME BACK, GOVERNOR, TO THE FREE AND INDEPENDENT STATE OF HARLEM."

THE 59-YEAR-OLD POWELL'S LEGAL PROBLEMS AND SELF-EXILE IN BIMINI STEM FROM A LIBEL JUDGMENT OBTAINED BY ESTHER JAMES, A HARLEM WIDOW WHO NOW LIVES IN HER NATIVE MONTEGO BAY, JAMAICA. THE CRIMINAL CONTEMPT CITATIONS GREW OUT OF MRS. JAMES' DIFFICULTY IN OBTAINING PAYMENT FROM POWELL.

POWELL WAS OUSTED FROM CONGRESS MARCH 1, 1967. MEMBERS OF THE 90TH CONGRESS VOTED 307-116 TO EXCLUDE HIM ON CHARGES HE ALLEGEDLY MISUSED PUBLIC FUNDS AND THAT HE WAS IN CONTEMPT OF NEW YORK STATE COURTS. POWELL IS SEEKING REELECTION IN NOVEMBER.

POWELL SPOKE AT THE RALLY FOR ABOUT 15 MINUTES, THEN WALKED UP SEVENTH AVE. HIS SUPPORTERS FOLLOWED HIM, CHANTING SLOGANS. WOMEN HANGING OUT OF WINDOWS WAVED TO HIM AND YELLED GREETINGS.

POWELL WAS PROTECTED BY BODYGUARDS HEADED BY HARLEM MAU MAU LEADER CHARLES KENYETTA, WHO WORE A HELMET AND CARRIED A MACHETE WITH A BIBLE IMPALED ON IT. THE BODYGUARDS WOULD NOT LET EVEN POLICE APPROACH POWELL AND SEVERAL ANTI-POWELL MEMBERS OF THE CROWD WERE KNOCKED TO THE GROUND.

AT 132ND ST., POWELL TURNED EAST AND WALKED A HALF BLOCK TO THE ABYSSINIAN BAPTIST CHURCH, WHERE HE IS PASTOR. HUNDREDS FOLLOWED HIM INSIDE AND POWELL MADE ANOTHER 30-MINUTE SPEECH FROM THE STAGE.

WAVING A CIGAR, POWELL TOLD THE CONGREGATION THAT HARLEM RESIDENTS HAD BECOME "FAT AND COMFORTABLE" ON ANTI-POVERTY FUNDS WHICH HE SAID "YOU NOW MUST REJECT."

HE SAID IT WAS "UP TO BLACK PEOPLE TO LEAD THE REVOLUTION WITH ANY WHITE PEOPLE WHO WILL FOLLOW US AS TROOPS. AND IF THIS DOESN'T HAPPEN BLACK AFRICANS AND COLORED PEOPLE OF ASIA AND SOUTH AMERICA WILL RISE UP AGAINST THE UNITED STATES."

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Adam Calls for New Negro Militancy

By HUGH WYATT and FRED LOETTERLE

Mobbed by hordes of hysterical followers fighting to get close enough to touch him, Adam Clayton Powell marched through the streets of Harlem yesterday for the first time since his self-imposed exile began a year and a half ago.

"We have kept the faith, Adam," the crowds chanted in the rain as the ousted congressman mounted a ladder at 125th St. and Seventh Ave. to strike a note of new militancy.

"We are in the midst of the second civil war," Powell said, waving a copy of the Presidential Commission's Report on Civil Disorders.

"The period of nonviolence has come to an end," Powell shouted through the microphone.

"We have no time for 'Charlies' or for 'Toms.' We have time for soul brothers. Sock it to me, baby."

Someone tried to hold an umbrella over Powell's bare head, but he shoved it away, shouting:

"I'm ashamed of you people. I've come back here to find out that whitey has bought off all of the black leaders of Harlem."

"The Master Is Back"

Powell arrived at the speakers' spot outside the Hotel Theresa at 1:20 p.m., and plowed through a crowd of more than 1,000 followers. Women pulled at his hair. Men and women embraced him. Girls tugged at his open blue shirt and reached out to touch his green jacket and faded white turtleneck.

Before his coming, Harlem Mau-Mau leader Charles Kenyetta, who wore a helmet and carried a machete with a Bible impaled on it, worked the crowd up with shouts of "The master is back," and "Adam has come to his people."

"Adam kissed the soil of Harlem when he got here Friday night," Kenyetta told the early crowd. "He was hurting for Harlem."

When Powell reached the top of the ladder, he quieted the crowd and held up the riot commission report.

"This report, made up by moderates, proves that this is a racist country, a racist nation," Powell said.

After charging that Harlem leaders have sold out to white interests, Powell pointed to Kenyatta and said:

"Here is the only real black leader left in Harlem."

After speaking for a half hour in a speech that called for an end to Negro moderation in the face of white racism, Powell left the platform and started up Seventh Ave.

More than 35 policemen accompanied Powell as he walked to the Abyssinian Baptist Church on 138th St., off Seventh Ave.

Every time that Powell raised his fingers in the three-finger victory sign of the black militants, the crowd cheered and shouted, "Black power, Adam. Black power."

More than 350 people were waiting in the basement of the church. The crowd more than doubled, spreading from wall to wall, when Powell arrived.

Ignore Moderates, He Says

Lighting a small cigar and puffing heavily, Adam told the congregation that the Negro community should strike for their rights without moderate [illegible]

Powell, who arrived in the city Friday night and quietly was put on parole on a criminal contempt charge still hanging over his head, called for an end of cooperation with organizations like the National Association for the Advancement of Colored People.

"Martin Luther King has come to an end," Powell said. He said that King could be accepted by the Negro people only if he abandoned his nonviolent message and become a "soul brother."

While declining to mention his campaign for reelection, Powell said that he has received the endorsement of black power advocate Rapp Brown.

After speaking in the church, Powell crossed the street and went into the Red Rooster, a restaurant, for a private conference. At 3:10 he left the restaurant and drove off.

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NEWS photo by Dennis Carone

Carrying a copy of the President's riot commission report, Adam Clayton Powell enjoys a hearty laugh as he walks through Harlem with his followers. Scene is at 138th St. and Seventh Ave.

NEWS photo by Judd Mehlman

Released on parole, Powell is center of attention at party welcoming the rebel congressman back to New York, Friday night.

5-19 (Rev. 7-27-67)

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The Exile's Return

No one—with the possible exception of Adam Clayton Powell himself—can be certain why he chose this particular moment to heed his lawyers' long-standing advice to return and face the legal music. But certainly one of the chief factors weighing against further delay must have been the realization that the political string had about run out; that the move must be made now or never.

The recent ruling by the Court of Appeals, in which the court expressed its unwillingness to challenge the right of Congress to discipline its membership, virtually ended Powell's hope of overturning his exclusion from the House. And it seems probable that Powell got the word from Manhattan that his days of absentee political power were just about over.

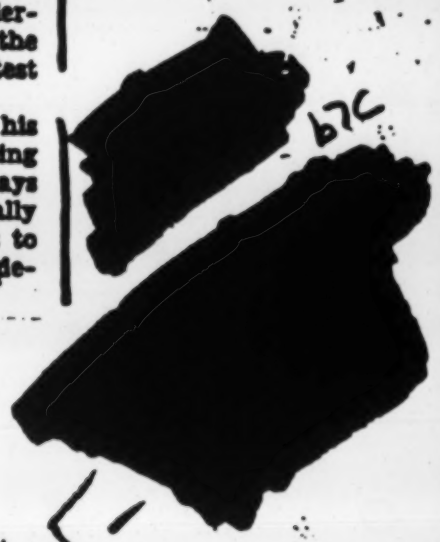
Putting these two factors together, Powell probably concluded that he had nothing to gain politically by prolonging his Bimini exile. He would, however, have something to gain by returning: The seat in Congress that is awaiting him in the 90th Congress, and the chance for re-election in November.

Meanwhile, of course, Powell will have to purge himself of the contempt of court charges that he has ducked now for more than a year. He will have to pay the fines and, perhaps, spend a few weeks in jail to settle the account he himself has run up. And when that is done, he can start building a new political future.

Powell has a political future. The hysteria of his welcome home on Friday was evidence of that. And it can be, if Powell chooses to make it so, a constructive political future.

He can, if he chooses, call off his attempt to move onto the far-out limb presently occupied by Rap Brown and Stokely Carmichael. He can stop trying to imitate the emotional contortions of adolescence—an attempt that is viewed by today's youth with the bored tolerance that is usually reserved for the portly matron who essays the latest dance.

He can apply his intelligence and his political ability to the task of helping this country through the difficult days ahead. He can, if he chooses, finally repay the tremendous debt he owes to his constituents for their years of devotion and trust.



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Young-Old Civil War Predicted by Powell

By HUGH WYATT and PAUL MESKIL

Adam Clayton Powell yesterday predicted a "civil war" in America this summer, with militant Negroes leading both black and white youths against the white power structure.

The 59-year-old Harlem excluded congressman said he will "call for world revolution" when he speaks at England's Oxford University in May. Emphasizing that the revolt would not be "black versus white" but youth versus middle-aged officialdom, he added: "It's got to be done very quickly—it has to be done this year. Nobody's going to stop what will happen this summer."

Powell, who returned here Friday after a self-imposed, 18-month exile on the Bahamian isle of Bimini, held a press conference yesterday morning at his Abyssinian Baptist Church, 138th St. and Seventh Ave. Then he delivered a fiery sermon to an overflow crowd estimated at more than 5,000.

He Leads March

After the church service, at which he urged his congregation to "think black," he led a 22-block march through Harlem.

Powell's sermon was based on a chapter from the Book of Jeremiah: "The man goes, he shall return." Departing from his text, the politician-preacher launched a tirade against "the white power structure, Uncle Toms and Aunt Jemimas."

Pointing to a crucifix on the church wall, he shouted: "The man hanging on that cross might be me. But Jesus had one Judas and I have about 5,000."

At another point, he gestured toward a painting over the altar, depicting a fair-skinned Christ, and yelled: "See that picture of Jesus? Get it out of here!"

Several parishioners shouted: "We want a black Jesus."

"Jesus said, 'When they hit you, turn the other cheek,'" Powell continued. "But after that, I say kick the hell out of them."

A large sign behind the pulpit said: "Welcome home Adam, our pastor and congressman."

As soon as the service ended, Powell strode outside in his black and red clerical robes and led almost a thousand of his followers down Seventh Ave. to 116th St., then a block east to Lenox Ave., where a moment of silence was observed in honor of the late black militant Malcolm X.

When he passed the New Canaan Baptist Church, a new house of worship on 116th St., Powell shouted: "Judas!"

He was greeted along the route by cheers, cries of "Black Power" and "Keep the faith, baby" and honking car horns. After pausing at 116th and Lenox, Powell returned to Seventh Ave. and then abruptly jumped into a blue station wagon and drove

Rally for Campaign

Dr. David Licorish, assistant pastor of the Abyssinian Baptist Church, said Powell will open his campaign for reelection on Palm Sunday at the church.

At the press conference, attended by about 200 reporters and cameramen, most of them white, Powell said: "I'm here to preach black leadership for you white people."

He said he returned to New York because "there is absolute chaos in the Democratic and Republican parties." He also said "America is on the verge of becoming a second-class power" and that he was here "to make America the democracy it has never been."

"Better Get In Line"

Asserting that young Negroes would lead a civil war, with young whites joining them as troops, Powell told his middle-aged listeners: "You old people better get in line."

Asked about his chances of reelection, Powell declared: "I could be reelected with Mickey Mouse as my campaign manager."

He was flanked by a dozen husky young bodyguards, whom he called "Adam's commandos, all karate men." They included Charles 37X Kenyatta, head of the Harlem Mau Mau Society, and John Shabazz, a Malcolm X lieutenant before Malcolm was murdered.

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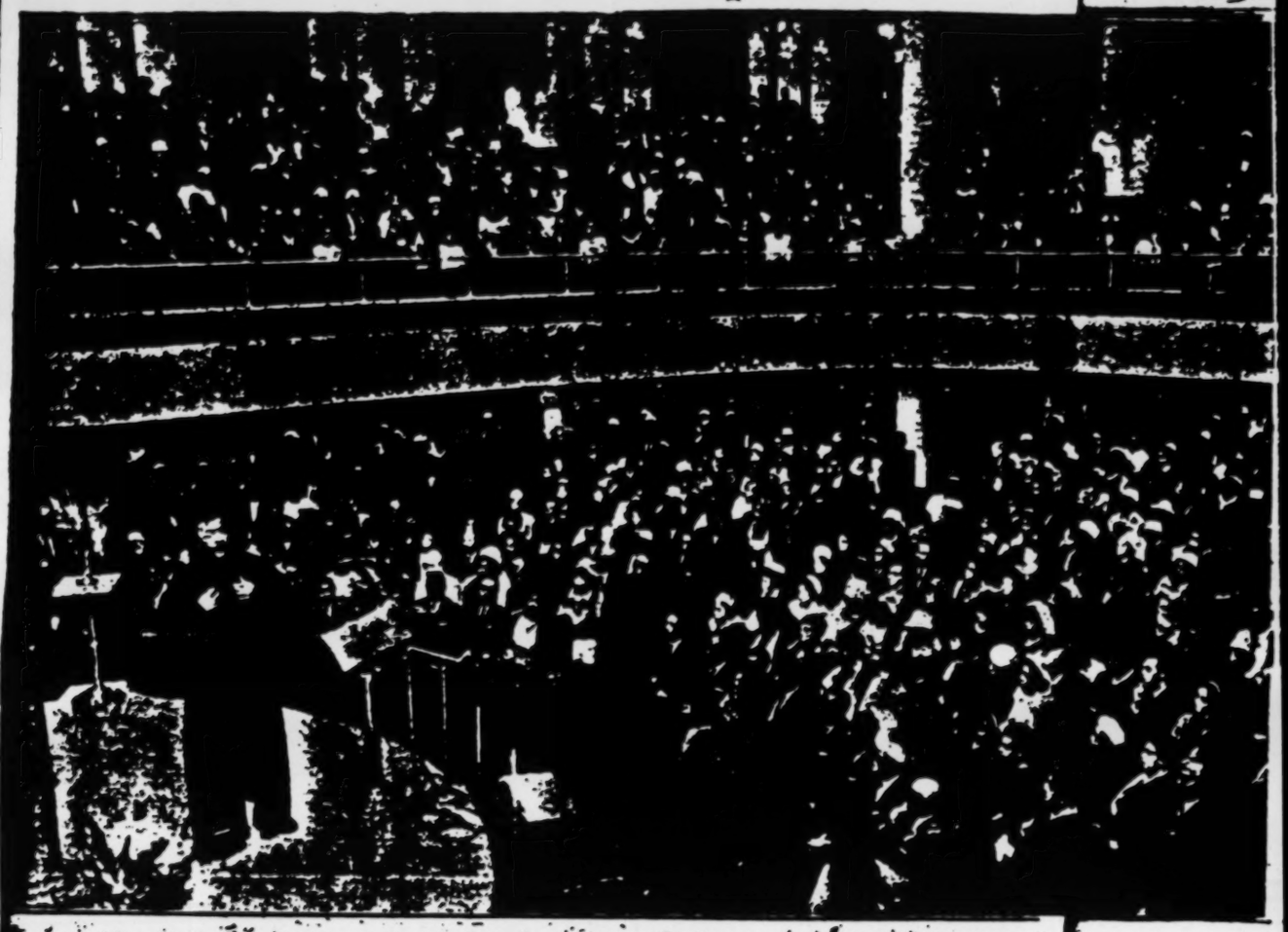
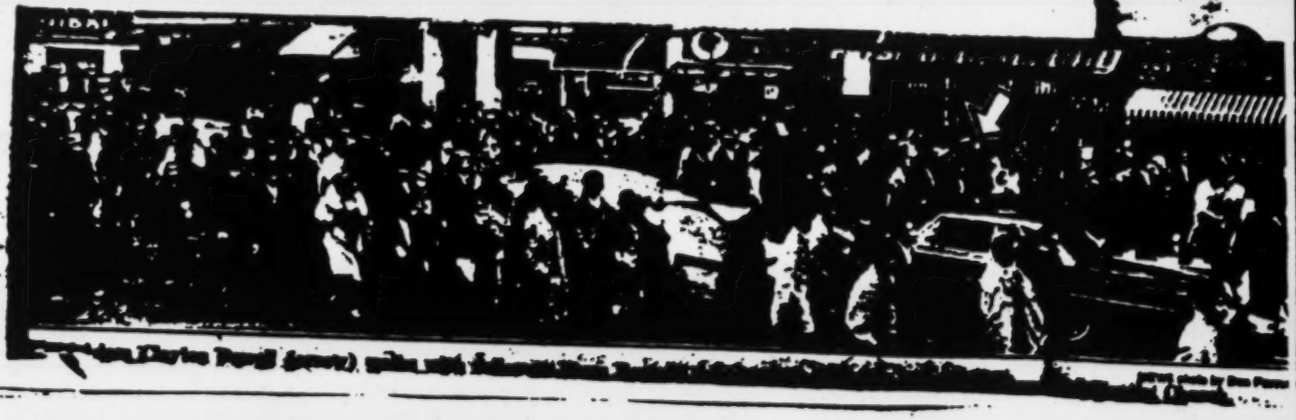


Clayton Powell: "I could be reelected with Mickey Mouse



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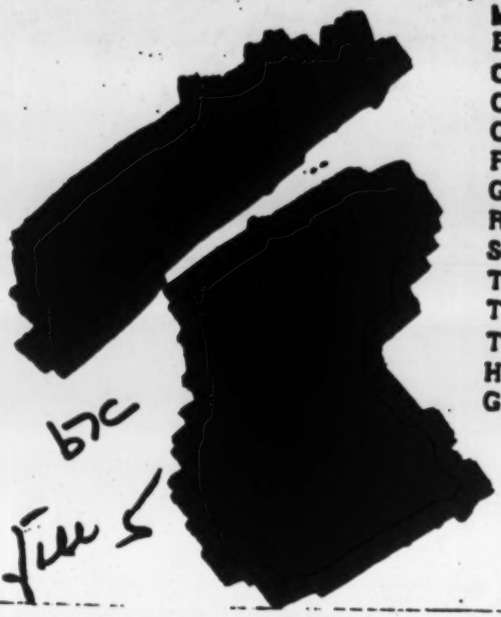

UPI-19
(POWELL)
NEW YORK--ADAM CLAYTON POWELL'S ATTORNEY TODAY ARGUES THREE MOTIONS FOR HIM ON THE STATE SUPREME COURT DOCKET, BUT INDICATIONS WERE THE CONTROVERSIAL EX-CONGRESSMAN WOULD REMAIN AT HIS BIMINI HIDEAWAY.

ONE HEARING WAS ON A MOTION BY MRS. ESTHER JAMES, 71, A HARLEM WIDOW WHO WON A DEFAMATION OF CHARACTER JUDGMENT FROM POWELL BECAUSE HE CALLED HER A "BAG WOMAN," A COLLECTOR OF GRAFT FOR DISHONEST POLICEMEN. MRS. JAMES WANTS POWELL'S TWO-WEEK PAROLE REVOKED AND THE FORMER REPRESENTATIVE SENT TO JAIL FOR 30 DAYS FOR CRIMINAL CONTEMPT.

MRS. JAMES CONTENDS POWELL TRANSFERRED OWNERSHIP OF HIS HOME IN PUERTO RICO TO PREVENT IT BEING ATTACHED TO PAY THE ORIGINAL $156,000 DEFAMATION JUDGMENT.

IN ANOTHER HEARING, POWELL'S LAWYER, HENRY WILLIAMS, SEEKS TO HAVE DISMISSED THREE RULINGS ON CONTEMPT AGAINST THE FORMER CONGRESSMAN, TWO FOR CIVIL AND ONE FOR CRIMINAL CONTEMPT. POWELL FACES A TOTAL OF 90 DAYS IN JAIL ON THE THREE COUNTS.

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Total Revolt of Young Is Called For by Powell

TALLAHASSEE (AP) — Adam Clayton Powell has called "for total revolution of young people—black and white—against the sick society of America."

Speaking last night to a wildly cheering crowd of about 2,500 at the predominantly Negro Florida A&M University, Powell said he had been warned by a person he described as an emissary of Gov. Claude Kirk that he would be jailed if any racial incident occurred while Powell was in Florida.

"I dare him to put a finger on me," said the ousted Harlem congressman. "If they lay a hand on me anywhere—in Tallahassee, Miami, Harlem, anywhere—they'll light a fire that will burn up America."

Powell shouted: "The concept of nonviolence is finished. You've got to cut the umbilical cord. Forget your parents' world, your preachers' world . . . they're finished."

Powell gave what he called the first specific proposal for solution to current problems: "I call for immediate and total withdrawal of all troopers from Vietnam."

He called the conflict a case of "black men fighting colored men to win a white man's war."

Powell also said he was starting here what he termed "saturation speeches" that will include a news conference tomorrow on the steps of the Capitol in Washington.

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—United Press International

Adam Clayton Powell in Tallahassee.

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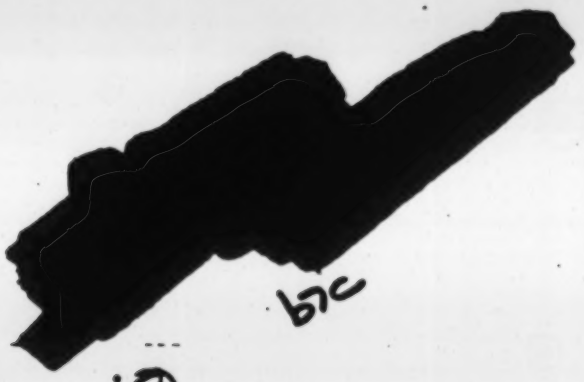

UPI-78
(POWELL)
BIMINI, THE BAHAMAS--ADAM CLAYTON POWELL CHARGED TODAY THAT CHICAGO MAYOR RICHAFD DALEY'S ORDER FOR POLICE TO SHOOT ARSONISTS AND LOOTERS SIGNALED "THE BEGINNING OF OFFICIALLY SANCTIONED GENOCIDE IN AMERICA."

THE HARLEM NEGRO ALSO TOLD A NEWS CONFERENCE HE WILL OPEN HIS CAMPAIGN TO REGAIN HIS HOUSE SEAT NEXT MONTH.

THE EMPHASIS OF HIS REMARKS AT A DOCKSIDE NEWS CONFERENCE WAS AN ATTACK ON DALEY. POWELL SAID "WHITE RACISM" WAS RESPONSIBLE FOR HIS OWN OUSTER FROM CONGRESS AND FOR THE ASSASSINATION OF DR. MARTIN LUTHER KING JR.

"WHITE RACISM," HE DECLARED, "IS NOTHING BUT THE ATTITUDE AND FRAMEWORK FOR AN ULTIMATE POLICY OF GENOCIDE AGAINST BLACK PEOPLE."

HE SAID THAT DALEY'S ORDERS "SOUNDED THE BEGINNING OF OFFICIALLY SANCTIONED GENOCIDE IN AMERICA.

"MAYOR DALEY HAS MADE HISTORY AS THE FIRST PUBLIC OFFICIAL TO LAY THE ADMINISTRATIVE GROUND FLOOR FOR THE EXTERMINATION OF BLACK PEOPLE," HE SAID.

"FIRST, WE SHOOT TO KILL LOOTERS (SIC) AND SHOOT TO KILL ARSONISTS; THEN WE SHOOT TO MAIM PERSONS FOR DISORDERLY CONDUCT; THEN BREACH OF THE PEACE, AND FINALLY, WE SHOOT 'NIGGERS' JUST FOR BEING 'NIGGERS'."

POWELL BEGAN THE PRESS CONFERENCE MINUTES AFTER ARRIVING AT DOCKSIDE IN HIS POWER CRUISER, "ADAM'S FANCY" WHICH BROUGHT HIM FROM HIS NORTH BIMINI ISLAND RETREAT.

WEARING BLUE BERMUDA SHORTS AND A LIGHT BLUE SPORTS SHIRT, BLUE KNEE-LENGTH SOCKS AND WHITE SNEAKERS, POWELL DENOUNCED THE OPEN HOUSING BILL PASSED BY CONGRESS LAST WEEK. HE SAID IT WAS ONLY "ONE MORE EXERCISE IN SOCIAL USELESSNESS IN SOLVING THE BLACK AND WHITE CRISIS IN AMERICA."

"OPEN HOUSING WILL MAKE NO IMPACT WHATSOEVER ON THE BLACK GHETTO," HE SAID. "NOR WILL IT ALLEVIATE THE MERCILESSLY INHUMAN CONDITIONS UNDER WHICH BLACK PEOPLE NOW LIVE."

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